

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

Russ Gordon and Cathy Stackpoole,

Plaintiffs,

vs.

Civil Action No.: 23-12812

The City of Hamtramck, the Hamtramck  
City Council, and Mayor Amer Ghalib,  
in his official capacity, only,

Hon. David Lawson

Defendants.

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Marc M. Susselman (P29481)  
Attorney at Law  
Attorney for Plaintiffs  
43834 Brandywyne Rd.  
Canton, Michigan 48187  
(734) 416-5186  
[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)

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Odey Meroueh (P76460)  
Meroueh & Hallman LLP  
Attorney for Defendants  
14339 Ford Road  
Dearborn, Michigan 48126  
(313) 582-7469  
[okm@mhatlaw.com](mailto:okm@mhatlaw.com)

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**PLAINTIFFS' MOTION FOR SANCTIONS FOR DEFENDANTS'  
MULTIPLE VIOLATIONS OF FED. R. CIV. P. 37(b)(2)**

Plaintiffs, by and through their attorney, move for sanctions pursuant to Fed. R. Civ. P. 37(b)(2) for Defendants' failure to comply with two Discovery orders, and in support of the motion state as follows:

1. On April 7, 2024, Plaintiffs' counsel sent an email to defense counsel indicating that he wished to take the depositions of the six members of the Hamtramck City Council who were present on June 13, 2023, and voted in favor of enacting Resolution 2023-82, which banned the display of the Pride Flag on the

flagpoles located on Joseph Campau Ave., and which is at the center of this lawsuit. (See copy of email attached as Exhibit 1.) Plaintiffs' counsel indicated that he would prefer to take the depositions of multiple City Council members on the same day, and requested dates for the depositions, and he indicated that if no dates were provided within 7 days, he would arbitrarily select dates himself.

2. On April 10, defense counsel sent an email to Plaintiffs' counsel indicating that the deposition of Mayor Ghalib had to be moved to April 19. (See copy of email attached as Exhibit 2.) Plaintiffs' counsel objected that he had been very accommodating to the defense counsel's requests, but that he had scheduled Russ Gordon's deposition for April 16 so that it would be after the Mayor's deposition scheduled for April 12. (*Id.*) Defense counsel proposed taking both depositions on the same day, with the Mayor's deposition going first, to be followed by Russ Gordon's deposition. Plaintiffs' counsel agreed, and stated, "Russ was reluctant to schedule both depositions the same day, because it means he will be away from his business longer than he wished. However, I persuaded him to make the accommodation, which means he will have to turn off his business phone longer than he would like. But we will do both depositions on April 16, with the Mayor going first, and Russ's deposition to follow." (*Id.*)

3. On April 16, 2024, Plaintiffs' counsel appeared with Russ Gordon for the depositions of both the Mayor and Mr. Gordon, starting at 10:00 A.M. Defense

counsel did not appear, nor did the Mayor. They waited until 10:30 A.M., and Plaintiffs' counsel called defense counsel to determine why he was late. Defense counsel responded that he thought both depositions had been rescheduled for April 19, which was contrary to the clear language of Plaintiffs' counsel's last email, Exhibit 2.

4. Plaintiffs' counsel insisted that defense counsel appear for the deposition, with the Mayor. Defense counsel refused, stating that the only day on which the Mayor could be deposed was on a Friday, stating that his deposition would have to be rescheduled for April 19. Rather than waste the day, and the Court Reporter's time, Plaintiffs' counsel proposed to proceed with Russ Gordon's deposition that day. Defense counsel appeared and Russ Gordon's deposition was completed.

5. Later that day, on April 16, Plaintiffs' counsel emailed an Amended Notice Duces Tecum to defense counsel, scheduling the Mayor's deposition for April 19, beginning at 10:00 A.M. (*See* copy of email and Amended Notice of Deposition, attached as Exhibit 3.)

6. On April 18, 2024, the day before the scheduled deposition of the Mayor, Plaintiffs' counsel received an email from defense counsel, stating (copy of email attached as Exhibit 4): "Per the Supreme court rule that 'with reference to the enactments of all legislative bodies, that the courts cannot inquire into the motives

of the legislators in passing them’. I am seeking your concurrence with the motion for protective order I intend to file to shield the mayor and city council from depositions. Please let me know if you concur. Tomorrow’s deposition of the mayor is hereby canceled.” Defense counsel failed to cite any legal authority for the rule which he attributed to the Supreme Court.

7. Plaintiffs’ counsel responded: “Concurrence is denied. I will be filing a motion to compel. I will be seeking costs and sanctions.” (Exhibit 5)

8. Plaintiff’s counsel filed a motion to compel the depositions of the Mayor and of the six City Council members. After the hearing, the Magistrate Judge entered an Order granting the motion to compel the depositions of the Mayor and the City Council members. (ECF No. 36) Plaintiffs took the deposition of Mayor Ghalib on June 14, pursuant to notice.

9. On May 16, Plaintiffs’ served Defendants with Plaintiffs’ First Interrogatories. (Copy attached as Exhibit 6.) The interrogatories requested that the Defendants identify any conversations they had had with anyone regarding sexual relations between members of the same gender; regarding display of the Pride Flag on Joseph Campau Ave.; and, to the best of their ability, the identity of the individual(s) with whom the Defendant had such a conversation and the substance of such conversations. The responses were due on or before June 17.

10. On June 20, Plaintiffs' counsel sent an email to Defendants' attorney advising that his clients' responses to the First Interrogatories were four days overdue and asked if he would concur in a motion to compel. (Copy attached as Exhibit 7.)

11. Defendants' attorney responded, requesting that he be granted 7 more days to produce the responses. (Exhibit 7)

12. On June 28, 8 days after the prior email, Plaintiffs' counsel emailed Defendants' attorney that the responses had still not been provided and that he was not granting any additional time. He requested concurrence in a motion to compel. (Copy attached as Exhibit 8.)

13. On June 28, Defendants' attorney responded that the Answers were attached. (Copy of answers attached as Exhibit 9.) The Answers were not signed by the Defendants, and contained repeated, boiler-plate objections and answers not denying that such conversations had taken place, but professing an inability to recall what was said.

14. On June 28, Plaintiffs' counsel sent an email to Defendants' counsel indicating that the Answers were not signed, as required by the court rule. (Exhibit 9) Plaintiffs' counsel filed a motion to compel to require that the City Council members answer the First Interrogatories under oath, and with their signatures notarized.

15. On July 8, Plaintiffs counsel sent Defendants' counsel an email, stating: "I have requested that you provide me dates for the depositions of the Hamtramck City Council members. You have failed to do so. I am accordingly scheduling the dates for their depositions. See the attached deposition notices." The deposition notices scheduled the following depositions: Nareem Choudhury for July 29, at 10 A.M.; Muhith Mahmood for July 29, at 2 P.M.; Abu Musa for August 1, at 10 A.M.; Khalil Refai for August 1, at 2 P.M.; Mohammed Alsomari on August 6, at 10 A.M.; Mohammed Hassan on August 6, at 2 P.M.

16. Judge Magistrate Grand held a telephonic conference call regarding Plaintiffs' motion to compel Answers to Plaintiffs' First Interrogatories on July 23, after which he entered a text only order, stating, in relevant part: "It was agreed that defendants will provide supplemental discovery responses within 10 days, limited to the period of time beginning six months prior to the vote at issue in this case. Further, prior to supplementing their responses, defendants shall make good faith efforts to recall information responsive to the narrowed requests."

17. The parties agreed to suspend the depositions scheduled of the City Council members pending further efforts by Judge Rosen to facilitate a settlement. On July 23, Plaintiffs' counsel accordingly sent amended notices of deposition scheduling the depositions of the City Council members for August 19, 22 and 26, with two depositions being taken each day.

18. On August 6, Plaintiffs' counsel sent an email to Defendants' counsel informing him that his supplemental answers to Plaintiffs' First Interrogatories were due, per Judge Grand's Text Order, on August 2, and were 4 days overdue. Defendants' counsel responded that he was close to getting the answers signed and notarized and would provide an update that evening.

19. As of August 9, Plaintiffs' counsel had not received Defendants' supplemental Answers to the First Interrogatories, and he sent an email to Defendants' counsel demanding an explanation. Defendants' counsel responded that he had a City Council meeting that evening on August 12, and expected to have the supplemental Answers signed and notarized at the City Council meeting. (Exhibit 10)

20. Defendants' counsel did not produce the supplemental Answers to Plaintiffs' First Interrogatories until August 14. (*See* Supplemental Answers attached as Exhibit 11.) With respect to the question directed to each of the City Council members, "Did Council Member ..., at any time prior to June 14, 2023, have any verbal communication or conversation, including any communication in person, or by any mechanical device, including by telephone, with anyone, including any resident or non-resident of Hamtramck, including Mayor Ghalib or any other member of the Hamtramck City Council or other Hamtramck government official,

and including any religious leader of any religious denomination, whether a resident or non-resident of Hamtramck, regarding any of the following subjects:

a. Intimate or sexual relations between members of the same gender.

... ,” each City Council member, under oath, gave the identical Answer:

“Conversations regarding intimacy between partners behind closed doors is not something that polite members of my community discuss. Speaking about these details of any private physical relationship is disrespectful. As such, I have not had any communications regarding the intimate or sexual relations of members of the same or opposite gender with anyone since this pride flag issue arose.”

21. Defendants’ counsel informed Plaintiffs’ counsel that since Choudhury was no longer a City Council member, he could not guarantee that he could produce him for his deposition scheduled for August 19. He sent Plaintiffs’ counsel an email on August 15, suggesting that three depositions be conducted on August 22, starting with Mohammed Alsomari, followed by Khalil Refai, followed by Muhith Mahmoud. Plaintiffs’ counsel accordingly sent new amended deposition notices on August 15, scheduling three depositions on August 22, with Alsomari at 10:00 A.M.; Refai at 12:00 P.M.; and Mahmoud at 2 P.M.

22. The parties appeared on August 22 at 10:00 A.M. to commence Mohammed Alsomari’s deposition. Defendants’ counsel informed Plaintiffs’ counsel that Muhith Mahmoud would not be appearing for his deposition, but that Khalil Refai would be present.



23. Plaintiffs' counsel commenced to take Mr. Alsomari's deposition. Defendants' counsel informed Plaintiffs' counsel that Mr. Alsomari had difficulty reading and speaking English. This became apparent as the deposition progressed. (See transcript of the deposition, attached as Exhibit 12.) Throughout the deposition, Defendants' counsel repeatedly interrupted the deposition with objections, claiming that Plaintiffs' counsel was asking compound questions, and was interrupting and bullying Mr. Alsomari. Plaintiffs' counsel submits that the objections were unfounded and that Mr. Alsomari was repeatedly being evasive and refusing to answer direct, straight-forward questions regarding his attitudes relating to gay people. He repeatedly asserted that being "gay" was "bad," but refused to explain why it was "bad." (Exhibit 12, pp. 17, 18, 19, 24, 36, 39, 71, 94, 95, 96, 99, 101) Although he acknowledged that he is a devout Muslim, he could not explain how Islam viewed sexual relations between individuals of the same gender. (*Id.*) Defendants' counsel repeatedly made groundless objections that Plaintiffs' counsel was asking compound questions, when the questions were not compound (Exhibit 12, pp. 40, 86; 124, 126, 132); that Plaintiffs' counsel was interrupting Mr. Alsomari, when it frequently was the case that the deponent was interrupting Plaintiffs' counsel as he was attempting to ask a question (Exhibit 12, pp. 92, 99, 129).

24. Plaintiff's counsel had Mr. Alsomari identify his signature on p. 10 of the Supplemental Answers to Plaintiffs' First Interrogatories. (Exhibit 12, p. 61) He

indicated that he signed the Supplemental Answers at a City Council meeting on August 13. Asked, “Okay, Did you write out your answers before you were given this? Did you write out answers?” Mr. Alsomari responded, “I just signed. I just signed.” Q: “You just signed, that’s all you did?” A: “Yeah.” Q: “So was this [the complete Exhibit] given to you?” A: “I see this one.” Q: “Yeah. This whole document, was this given to you – “ A: “No. I didn’t have the whole document.” Q: “- at the City Council meeting? Wait a minute. Are you saying when you signed that page, is that the only page you had?” A: “Yes.” Q: “Do you understand what I’m saying?” A: (Witness nods head yes.) Q: “When you signed this, you had not – you did not receive the other pages with it?” A: “I didn’t see it.” Q: “You did not see them?” A: (Witness shakes head no.)

25, Defendants’ counsel proceeded to explain that because Mr. Alsomari is not fluent in English, he had read the questions to him in Arabic, and Mr. Alsomari responded to him in Arabic. Plaintiffs’ counsel proceeded to question Mr. Alsomari further. (Exhibit 12, p. 63) Q: “Mr. Alsomari, in this document there are several questions. You know what questions are, right?” A: “Um-hmm.” Q: “Before you signed – before you signed that page, did you give your answers verbally before you signed it?” A: “I just signed the paper.” But the answers to Question 3, 5, 7, 9, and 11(a) were already provided in English in the Supplemental Answers before Alsomari signed his name. Alsomari testified that he had not given his answers to

Defendants' counsel before the City Council meeting at which he signed his name. He just signed his name on p. 10, without seeing the answers attributed to him. Therefore, Defendants' counsel wrote the Answer in advance, and had Mr. Alsomari simply sign the last page, a procedure contrary to the requirement of Fed. R. Civ. P. 33(b)(5), which states, "The person who makes the answers must sign them, and the attorney who objects must sign any objections." (Emphasis added.) Here, Defendants' attorney made the answers, and then signed the Supplemental Answers, "Approved as to Form." But he did not just approve the Answers as to form – he wrote them. This is confirmed by the fact that all six Answers to the same question by the six City Council members use the same, identical language, word for word, a highly unlikely coincidence. In so doing, Defendants' counsel violated Judge Grand's Order that he obtain the Answers from each of the City Council members, have them sign their Answers under oath and have them notarized, as required by the court rule.

26. Plaintiffs' counsel concluded his questioning of Mr. Alsomari, at which point he indicated he was ready to begin Mr. Refai's deposition, which was scheduled as the next deposition. (Exhibit 12, p. 137) At this point, Defendants' counsel refused to produce Mr. Refai for his deposition, accusing Plaintiffs' counsel of having acted unprofessionally and insisting that all of the depositions should be conducted by video. Plaintiffs' counsel indicated that he was not going to pay for

video depositions; Defendants' counsel stated that he would not pay for video depositions, and began yelling at Plaintiffs' counsel, falsely claiming that his behavior had disrupted this and the prior depositions. Defendants' counsel refused to produce any additional witnesses to be deposed pursuant to the previously served deposition notices, and in violation of the Court's Order requiring that the depositions of the City Council members be conducted.

27. Defendants' counsel has consequently violated two Court orders relating to discovery, and accordingly should be sanctioned pursuant to Fed. R. Civ. P. 37(b)(2).

This motion is supported by the accompanying brief.

**WHEREFORE**, Plaintiffs request that an Order enter pursuant to Fed. R. Civ. P. 37(b) sanctioning Defendants' counsel for violating the Court's discovery Orders.

Respectfully submitted,

Marc M. Susselman  
Attorney at Law  
Attorney for the Plaintiffs  
43834 Brandywyne Rd.  
Canton, Michigan 48187  
(734) 416-5186  
[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)

By: s/ Marc M. Susselman  
Attorney for Plaintiffs

Dated: August 30, 2024

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### **QUESTIONS PRESENTED**

- I. Whether Defendants' counsel violated the Court's Order directing that the depositions of the Hamtramck City Council members should proceed, justifying the imposition of sanctions pursuant to Fed. R. Civ. P. 37(b)(2)(B).

Plaintiffs answer, "Yes."

- II. Whether Defendants' counsel violated the Court's Order directing that the members of the Hamtramck City Council were required to answer Plaintiffs' First Interrogatories under oath and be notarized, justifying the imposition of sanctions pursuant to Fed. R. Civ. P. 37(b)(2)(B).

Plaintiffs answer, "Yes."

- III. Whether Defendants should be required to pay Plaintiffs' attorney reasonable attorney fees related to his research and preparation of the motion for sanctions pursuant to Fed. R. Civ. P. 37(b)(2)(C) due to Defendants' counsel's violation of two Court orders.

Plaintiffs answer, "Yes."

## **STATEMENT OF FACTS**

Plaintiffs incorporate herein the averments set forth in their motion.

## **ARGUMENT**

This lawsuit involves the constitutionality of a Resolution which the City of Hamtramck enacted which had the effect of prohibiting the display of the Pride Flag from flagpoles owned by the City, located on Joseph Campau Ave, while permitting the display of the POW flag, and flags of various nations. All six of the City Council members voted in favor of the resolution. There are two primary issues regarding constitutional law involved in the lawsuit: (1) Whether the flagpoles constituted a public forum, in which case prohibiting the Pride Flag, while allowing other flags to be displayed based on their viewpoint, violated the First Amendment's Free Speech Clause, which requires that a government's decisions relating to speech be content and viewpoint neutral; (2) Whether any of the City Council members voted in favor of the Pride Flag prohibition based on their personal religious beliefs, or based on the religious beliefs of members of the Hamtramck community, thereby violating the Establishment Clause. Plaintiffs' counsel scheduled the depositions of each of the City Council members, as ordered by the Court, in order to determine the answer to the second question. In addition, he had submitted interrogatories to be answered by the City Council members under oath regarding this issue, interrogatories which the Court had ordered were to be answered by the City Council members under oath,



and to be notarized. The averments in the motion demonstrate that Defendants' counsel has violated both Orders.

Fed. R. Civ. P. 37(b)(2) states:

(2) *Sanctions Sought in the District Where the Action is Pending.*

(A) *For Not Obeying a Discovery Order.* If a party or a party's officer, director, or managing agent – or a witness designated under Rule 30(b)(6) or 31 (a)(4) – fails to obey an order to provide or permit discovery, including an order under Rule 26(f), 35, or 37(a), the court where the action is pending may issue further just orders. They may include the following:

- (i) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;
- (ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
- (iii) striking pleadings in whole or in part;
- (iv) staying further proceedings until the order is obeyed;
- (v) dismissing the action or proceeding in whole or in part;
- (vi) rendering a default judgment against the disobedient party; or
- (vii) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination.

..

(C) *Payment of Expenses.* Instead of or in addition to the orders above, the court must order the disobedient party, the attorney advising that party, or both to pay the reasonable expenses, including attorney fees, caused by the failure, unless the failure

was substantially justified or other circumstances make an award of expenses unjust.

In *Grange v. Mack*, 270 F. App'x 372 (6<sup>th</sup> Cir. 2008), the Court explained the parameters of the application of Fed. R. Civ P. 37(b)(2) as follows, *id.* at 376:

Federal Rule of Civil Procedure 37(b)(2)(C) allow district judges to sanction discovery abusers. A district judge holds a variety of sanctions in his arsenal, the most severe of which is the power to issue a default judgment. Fed.R.Civ.P. 37(b)(2)(B). When a district judge uses his strongest weapon, we look to four factors to see if he abused his discretion. ... They are: 1) whether the disobedient party acted in wilful bad faith; 2) whether the opposing party suffered prejudice; 3) whether the court warned the disobedient party that failure to cooperate could result in a default judgment; and 4) whether less drastic sanctions were imposed or considered. ... In this case, all four factors weigh strongly in the Grange plaintiffs' favor, so we have no need to balance them against each other.

In *State Farm Mut. Auto. Ins. Co. v. Hakki*, Case No. 2:21-cv-11940 (E.D. Mich. Mar. 14, 2024) (copy attached as Exhibit 13), the court stated, *id.* at \*10-11:

Rule 37(b)(2)(C) provides that where a party “fails to obey an order to provide or permit discovery ... the court where the action is pending may issue further just orders[,]” including, but not limited to, “prohibiting the disobedient party from supporting or opposing designated claims or defenses, ... striking pleadings in whole or in part[,] ... dismissing the action or proceeding in whole or in part[,] ... [or] rendering a default judgment against the disobedient party.” A court may also, in addition to or as an alternative to the abovementioned orders, direct “the disobedient party, the attorney advising that party, or both to pay the reasonable expenses, including attorney’s fees, caused by the failure” to comply with the court order. Fed.R.Civ.P. 37(b)(2)(C).

In addition, this Court also has the inherent authority to sanction litigants who disobey judicial orders, which “derives from its equitable power to control the litigants before it and to guarantee the integrity of

the court proceedings.” *Dell, Inc. v. Elles*, No. 07-2082, 2008 WL 4613978, at \*2 (6<sup>th</sup> Cir. June 10, 2008) (citing *Chambers v. NASCO, Inc.*, 502 U.S. 32, 43-50 (1991)). In *Dell, Inc. v. Advicon Computer Services, Inc.*, No. 06-11224, 2007 WL 2021842, at \*5-6 (E.D. Mich. July 12, 2007), Judge Lawson explained the reach of the Court’s power to enter a default judgment in cases of a party’s egregious and repeated disregard of court orders:

Although Federal Rule of Civil Procedure 37(b)(2)(C) authorizes the Court to enter default judgment as a discovery sanction, there is no Rule or statute that authorizes entry of default judgment based on a party’s failure to obey court orders in general. Nevertheless, it is well-established that a federal court has the inherent authority to grant such relief when the circumstances warrant as much. ...  
(Some citations omitted.)

*See also Dell Inc. v. Advicon Computer Services, Inc.*, No. 06-11224 (E.D. Mich. July 12, 2007) (granting default judgment for the defendant’s “willful and deliberate disregard of the Court’s orders”) (copy attached as Exhibit 14); *Pryor v. County*, Case No. 09-13185 (E.D. Mich., Jun 24, 2011) (sanctioning defendant under FRCP 37(b)(2) for violating the Court’s discovery order) (copy attached as Exhibit 15); *In re Taylor v. Taylor*, Case No. 07-10540 (E.D. Mich. May 31, 2007) (affirming bankruptcy court’s entry of default judgment for violation of discovery orders) (copy attached as Exhibit 16).

Plaintiffs will leave to the Court’s discretion whether entry of a default judgment against the Defendants is appropriate for their attorney’s violation of two discovery Orders. Plaintiffs’ counsel will note that the Defendants’ counsel’s violation of the orders was willful and deliberate and has prejudiced Plaintiffs’

efforts to complete discovery prior to the close of discovery currently scheduled for September 23, and to file a motion for summary judgment prior to the cut-off date. Some sanction, whether or not entry of a default judgment, is called for.

Moreover, Defendants' counsel's improper conduct with respect to providing the supplemental answers to the First Interrogatories, and having the City Council members sign them, under oath, as if they were their own answers, is not the first instance of his unprofessional, and unethical, conduct in this regard.<sup>1</sup> In response to Plaintiffs' initial motion for summary judgment, which has since been withdrawn, Defendants' counsel offered the affidavit of the City's manager, Maxwell Garbarino. (Copy attached as Exhibit 17) Fed. R. Civ. P. 56(c)(4) states that an affidavit in support of, or opposition to, a motion for summary judgment, "must be made on

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<sup>1</sup> The conduct in question violates MRPC 3.3 (Candor Toward the Tribunal), which states, in relevant part: "A lawyer shall not knowingly ... offer evidence that the lawyer knows to be false. If a lawyer has offered material evidence and comes to know its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal." Claiming that Mr. Alsomari had verbally provided him with his Answer to the interrogatory at issue, in Arabic, when he had not, and was induced into signing the Answer under oath without first seeing the Answer, which Defendants' counsel had himself written in English – the same Answer, word for word, which all of the other five City Council members also purportedly signed under oath - constituted providing evidence which Defendant's counsel knew was false. It also violated MRPC 3.4 (Fairness to Opposing Party and Counsel), which states, in relevant part: "A lawyer shall not (a) unlawfully obstruct another party's access to evidence ...; (b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law; (c) knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists; ..."

personal knowledge, set out facts that would be admissible in evidence, and show that an affiant or declarant is competent to testify on matters stated.” Mr. Garbarino attested in his affidavit, ¶3, “The previous mayor and city managers over the years generally approved or acquiesced in the flags being flown as long as they were generally-accepted in the community.” This assertion goes to one of the central issues in the lawsuit – who made the decision regarding what flags would be displayed on the flagpoles and whether the flagpoles constituted a public forum. At his deposition, Mr. Garbarino testified that he had been a member of the Hamtramck Police Department, until 2014, during which time he obtained a law degree, but never practiced law. (Deposition transcript, Exhibit 18, pp. 10-11) He thereafter worked in the Wayne County Sheriff’s Dept. and the Eastpointe Police Dept. (*Id.*, pp. 12-13). He became the Director of Public Safety for Hamtramck in 2020, and held that position for several years. (*Id.*). He then became Acting City Manager, and then full City Manager, which he had held for about 1 ½ years prior to his deposition. He identified his signature on his affidavit, and testified that the affidavit was prepared by Defendants’ attorney. (*Id.* p. 18) Mr. Garbarino was questioned regarding his statement in ¶3 of his affidavit, during which the following exchange occurred (*id.*, pp. 44-46):

Q Do you have any recollection having any conversation with any of those city managers regarding the city’s policy regarding the display of flags on –

A No.

Q You have no recollection of having any?

A No.

Q When you say you have no recollection, do you mean you had no such conversation or you can't remember?

A If I did, I definitely don't remember it.

Q Would you say it's not likely you had such conversation with such –

A Probably not likely.

Q Not likely. So in the second sentence of paragraph 3 you state:

“The previous Mayor and city managers over the years generally approved or acquiesced in the flags being flown as long as they were generally accepted in the community.”

Do you have any personal knowledge of that? Of what they acquiesced to or didn't?

Did you acknowledge that you had any conversations about the issue with any prior city managers?

How do you know that? From personal knowledge or are you claiming hearsay? You know what hearsay is. You're an attorney. You know what hearsay is; right?

A Impression, I would say.

Q “Impression?”

A Interpretation.

Q “Interpretation.” Okay.

Impression based on what? Based on any personal knowledge, sir?

A I'm trying to think. Not that I can point to.

This is another instance of Defendants' counsel manufacturing evidence, offering the affidavit, which he drafted, as evidence of personal knowledge, and having a witness sign it, purportedly under oath. Defendants' attorney's accusation that Plaintiffs' counsel behaved unprofessionally during Mr. Alsomari's deposition, and prior depositions, justifying his cancellation of the depositions of the other City Council members, is false, a smokescreen and egregious violation of the Court's

Order requiring that the depositions proceed, depositions it took months to arrange.<sup>2</sup>

A severe sanction is justified under the circumstances. If not a default judgment, then an Order establishing that the City Council members voted in favor of the Resolution banning display of the Pride Flag from the flagpoles based either on their personal religious beliefs, or what they believed were the religious beliefs of a segment of the Hamtramck community; or prohibiting the Defendants from opposing the claim that the flagpoles constituted a public forum, or opposing the claim that the City Council members voted in support of the Resolution based either on their personal religious beliefs, or what they believed were the religious beliefs of a segment of the Hamtramck community. If neither of these options is chosen by the Court, it should enter an Order requiring that the depositions of the City Council members proceed forthwith, and prohibit Defendants' counsel from obstructing the of Codepositions with baseless and unfounded objections. The Court should, in addition, under Fed. R. Civ. P. 37(b)(2)(C), require that Defendants pay Plaintiffs' attorney's fees related to this motion of \$5,960, as documented in Exhibits 23-24.

### **CONCLUSION AND RELIEF**

Based on the above Argument, Plaintiffs' motion should be granted and Defendants should be required to pay Plaintiffs' counsel his reasonable attorney fees.

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<sup>2</sup> The transcripts of all of the prior depositions, in addition to Garbarino's and Alsomari's, have been attached hereto as Exhibits 19-22, for the Court to evaluate whether Plaintiffs' attorney's conduct at any of the depositions was unprofessional.

Respectfully submitted,

Marc M. Susselman  
Attorney at Law  
Attorney for the Plaintiffs  
43834 Brandywyne Rd.  
Canton, Michigan 48187  
(734) 416-5186  
[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)

By: s/ Marc M. Susselman  
Attorney for Plaintiffs

Dated: August 30, 2024



**CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2024, I electronically filed with the Clerk of the Court the foregoing document using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Marc M. Susselman (P29481)

Marc M. Susselman  
Attorney for Plaintiffs

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- Exhibit 3     4/16/24 email with Amended deposition notice for the Mayor
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- Exhibit 6     Plaintiffs' First Interrogatories
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- Exhibit 22 Deposition transcript of Mayor Ghalib
- Exhibit 23 Bill of Costs for attorney fees related to motion for sanctions
- Exhibit 24 Biographical statement of Marc Susselman

## **EXHIBIT 1**



Marc Susselman <marcsusselman@gmail.com>

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## RE: Depositions of City Council members

1 message

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**Marc Susselman** <marcsusselman@gmail.com>  
To: "Odey K. Meroueh" <okm@mhatlaw.com>

Sun, Apr 7, 2024 at 6:52 AM

Odey,

I want to take the depositions of the six members of the Hamtramck City Council who were present and voted on Resolution 2023-82 on June 13, 2023. I wish to take the depositions in April and May, starting with Mr. Choudhury. I understand that Mr. Choudhury is no longer a City Council member, but since he is a former City Council member, I believe you are required to produce him for deposition without my having to subpoena him. If you disagree, and will not produce him, please so advise me so that I can take the necessary steps to subpoena him.

The remaining five City Council members are current City Council members. I am willing, and would prefer, to take multiple depositions on a single day. Please provide me with dates on which their depositions can be taken. If you do not provide me with such dates within the next 7 days, I will select the dates myself.

Thank you.

Marc

## **EXHIBIT 2**



Marc Susselman <marcsusselman@gmail.com>

## Mayors Deposition

7 messages

Odey K. Meroueh <okm@mhatlaw.com>

Wed, Apr 10, 2024 at 11:47 AM

To: Marc Susselman <marcsusselman@gmail.com>

We need to move it to the 19th, would that date work for you? I will still be sending you our answers to the requests tomorrow as promised.

Best,

**Odey K. Meroueh, Esq.**

Meroueh & Hallman LLP

14339 Ford Road, 2nd Floor, Dearborn, MI, 48126

p: 313.582.7469 | f: 313.438.0540

[www.mhatlaw.com](http://www.mhatlaw.com)

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Marc Susselman <marcsusselman@gmail.com>

Wed, Apr 10, 2024 at 11:51 AM

To: "Odey K. Meroueh" <okm@mhatlaw.com>

Odey,

I have tried to be very accommodating to you several times. But I have Mr. Gordon's deposition scheduled for April 16, which will also have to be rescheduled. So, No, I intend to go forward with the Mayor's deposition on April 12.

Marc

[Quoted text hidden]

Odey K. Meroueh <okm@mhatlaw.com>

Wed, Apr 10, 2024 at 11:53 AM

To: Marc Susselman <marcsusselman@gmail.com>

Why can't we do both on the same day?

Best,

**Odey K. Meroueh, Esq.**

Meroueh & Hallman LLP

14339 Ford Road, 2nd Floor, Dearborn, MI, 48126

p: 313.582.7469 | f: 313.438.0540

[www.mhatlaw.com](http://www.mhatlaw.com)

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On Wed, Apr 10, 2024 at 11:51 AM Marc Susselman <marcsusselman@gmail.com> wrote:

Odey,

I have tried to be very accommodating to you several times. But I have Mr. Gordon's deposition scheduled for April 16, which will also have to be rescheduled. So, No, I intend to go forward with the Mayor's deposition on April 12.

Marc

On Wed, Apr 10, 2024 at 11:48 AM Odey K. Meroueh <[okm@mhatlaw.com](mailto:okm@mhatlaw.com)> wrote:  
[Quoted text hidden]

---

**Marc Susselman** <[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)>  
To: "Odey K. Meroueh" <[okm@mhatlaw.com](mailto:okm@mhatlaw.com)>

Wed, Apr 10, 2024 at 12:00 PM

Let me consult my client and I will get back to you.  
[Quoted text hidden]

---

**Marc Susselman** <[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)>  
To: "Odey K. Meroueh" <[okm@mhatlaw.com](mailto:okm@mhatlaw.com)>

Wed, Apr 10, 2024 at 12:13 PM

Odey,

Russ was reluctant to schedule both depositions the same day, because it means he will be away from his business longer than he wished. However, I persuaded him to make the accommodation, which means he will have to turn off his business phone longer than he would like. But we will do both depositions on April 16, with the Mayor going first, and Russ's deposition to follow.

I expect you to reciprocate and provide me dates for the depositions of the Council members, with Mr. Choudury going first, ASAP.

Marc  
[Quoted text hidden]

---

**Odey K. Meroueh** <[okm@mhatlaw.com](mailto:okm@mhatlaw.com)>  
To: Marc Susselman <[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)>

Tue, Apr 16, 2024 at 10:31 AM

Hey Marc, I thought we agreed on the 19th for both? That's what the email chain below suggests no?

Best,  
Odey K. Meroueh, Esq.  
Meroueh & Hallman LLP  
14339 Ford Road, 2nd Floor, Dearborn, MI, 48126  
p: 313.582.7469 | f: 313.438.0540  
[www.mhatlaw.com](http://www.mhatlaw.com)

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On Wed, Apr 10, 2024, 12:13 PM Marc Susselman <[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)> wrote:  
Odey,

Russ was reluctant to schedule both depositions the same day, because it means he will be away from his business longer than he wished. However, I persuaded him to make the accommodation, which means he will have to turn off his business phone longer than he would like. But we will do both depositions on April 16, with the Mayor going first, and Russ's deposition to follow.

I expect you to reciprocate and provide me dates for the depositions of the Council members, with Mr. Choudury going first, ASAP.



Marc

On Wed, Apr 10, 2024 at 12:00 PM Marc Susselman <[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)> wrote:

[Quoted text hidden]

---

**Marc Susselman** <[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)>

Tue, Apr 16, 2024 at 2:10 PM

To: "Odey K. Meroueh" <[okm@mhatlaw.com](mailto:okm@mhatlaw.com)>

I just looked at the emails, and in the last email I clearly said that we would do both depositions on April 16, with the Mayor going first.

[Quoted text hidden]

## **EXHIBIT 3**



**Marc Susselman** <marcsusselman@gmail.com>

**Re: Deposition of Mayor Ghalib**

1 message

**Marc Susselman** <marcsusselman@gmail.com>

Tue, Apr 16, 2024 at 3:11 PM

To: "Odey K. Meroueh" <okm@mhatlaw.com>

Odey,

Please see the attached Amended Notice of Deposition Duces Tecum of Mayor Gahlib.

Marc

 **Amended Notice of deposition of Mayor Amer Ghalib.pdf**  
68K

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

Russ Gordon and Cathy Stackpoole,

Plaintiffs,

vs.

Civil Action No.: 23-12812

The City of Hamtramck, the Hamtramck  
City Council, and Mayor Amer Ghalib,  
in his official capacity, only,

Hon. David Lawson

Defendants.

---

Marc M. Susselman (P29481)  
Attorney at Law  
Attorney for Plaintiffs  
43834 Brandywyne Rd.  
Canton, Michigan 48187  
(734) 416-5186  
[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)

---

Odey Meroueh (P76460)  
Meroueh & Hallman LLP  
Attorney for Defendants  
14339 Ford Road  
Dearborn, Michigan 48126  
(313) 582-7469  
[okm@mhatlaw.com](mailto:okm@mhatlaw.com)

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**AMENDED NOTICE OF DEPOSITION DUCES TECUM OF  
MAYOR AMER GHALIB**

**PLEASE TAKE NOTICE** that the deposition, duces tecum, of Mayor Amer Ghalib will be taken on April 19, 2024, pursuant to Fed. R. Civ. P. 30 beginning at 10:00 A.M. at the Hamtramck City Hall, located at 3401 Evaline St., Hamtramck, Michigan, 48212.

The deposition may be used for all purposes admissible under the Federal Rules of Civil Procedure.

The deponent is directed to bring to the deposition the following documents.

1. Any and all documents, including letters, memoranda, emails, text messages, and notes relating to the Hamtramck flag display policy and practice during the years 2013-2024, not protected by the attorney-client privilege.

2. Any and all documents, including letters, memoranda, emails, text messages, and notes relating to the discussion and passage of Resolution 2023-82, not protected by the attorney-client privilege.

3. Any and all documents, including letters, memoranda, emails, text messages, and notes relating to the discussion and passage of Resolution 2023-99, not protected by the attorney-client privilege.

Marc M. Susselman  
Attorney at Law  
43834 Brandywyne Rd.  
Canton, Michigan 48187  
(734) 416-5186  
[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)  
P29481

By: s/ Marc M. Susselman  
Attorney for Plaintiffs

Dated: April 16, 2024

## **EXHIBIT 4**



Marc Susselman <marcsusselman@gmail.com>

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## Deposition Protective Orders - Concurrence Sought

11 messages

---

**Odey K. Meroueh** <okm@mhatlaw.com>

Thu, Apr 18, 2024 at 12:06 PM

To: Marc Susselman <marcsusselman@gmail.com>

Hello Mr. Susselman,

Per the Supreme court rule that "with reference to the enactments of all legislative bodies, that the courts cannot inquire into the motives of the legislators in passing them".

I am seeking your concurrence with the motion for protective order I intend to file to shield the mayor and city council from depositions. Please let me know if you concur.

Tomorrow's deposition of the mayor is hereby cancelled.

Best,

**Odey K. Meroueh, Esq.**

Meroueh & Hallman LLP

14339 Ford Road, 2nd Floor, Dearborn, MI, 48126

p: 313.582.7469 | f: 313.438.0540

[www.mhatlaw.com](http://www.mhatlaw.com)

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## **EXHIBIT 5**

**Marc Susselman** <marcsusselman@gmail.com> Thu, Apr 18, 2024 at 12:13 PM

To: "Odey K. Meroueh" <okm@mhatlaw.com> Concurrence is denied.

I will be filing a motion to compel. I will be seeking costs and sanctions.

Marc Susselman

## **EXHIBIT 6**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

Russ Gordon and Cathy Stackpoole,

Plaintiffs,

vs.

Civil Action No.: 23-12812

The City of Hamtramck, the Hamtramck  
City Council, and Mayor Amer Ghalib,  
in his official capacity, only,

Hon. David Lawson

Defendants.

---

Marc M. Susselman (P29481)  
Attorney at Law  
Attorney for Plaintiffs  
43834 Brandywyne Rd.  
Canton, Michigan 48187  
(734) 416-5186  
[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)

---

Odey Meroueh (P76460)  
Meroueh & Hallman LLP  
Attorney for Defendants  
14339 Ford Road  
Dearborn, Michigan 48126  
(313) 582-7469  
[okm@mhatlaw.com](mailto:okm@mhatlaw.com)

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**PLAINTIFFS' FIRST INTERROGATORIES**

Plaintiffs, by and through their attorney, hereby submit the following First Interrogatories pursuant to Fed. R. Civ. P. 33, and state as follows:

Within 30 days of today's date, the Defendants, including Mayor Ghalib, the City of Hamtramck, and the Hamtramck City Council, must answer the following Interrogatories, under oath. With respect to the City and the City Council, the answers must be provided by an officer or agent of the City or City Council.

Each Interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath. The grounds for objecting to an Interrogatory must be stated with specificity. Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure. The person who makes the answers must sign them, and the attorney who objects must sign any objections.

The word “communication” and “conversation” includes all verbal communications, either in person, or via a mechanical device, including a telephone of any kind, but excludes any such communication or conversation with an attorney representing the individual in question.

Please answer the following Interrogatories:

1. Did Mayor Gahlib, at any time prior to June 14, 2023, have any verbal communication or conversation, including any communication in person, or by any mechanical device, including by telephone, with anyone, including any resident or non-resident of Hamtramck, including any member of the Hamtramck City Council or other Hamtramck government official, and including any religious leader of any religious denomination, whether a resident or non-resident of Hamtramck, regarding any of the following subjects:

a. Intimate or sexual relations between members of the same gender.

- b. Display of the Pride Flag on the flag poles located on Joseph Campau Ave.

ANSWER:

2. If the Answer to Interrogatory 1 is in the affirmative, please provide the following information, to the best of the respondent's recollection:

- a. The identity of the individual(s) with whom he had each communication.

- b. The substance of each communication, by all participants in the communication.

ANSWER:

3. Did Council Member Muhith Mahmood, at any time prior to June 14, 2023, have any verbal communication or conversation, including any communication in person, or by any mechanical device, including by telephone, with anyone, including any resident or non-resident of Hamtramck, including Mayor

Gahlib or any other member of the Hamtramck City Council or other Hamtramck government official, and including any religious leader of any religious denomination, whether a resident or non-resident of Hamtramck, regarding any of the following subjects:

- a. Intimate or sexual relations between members of the same gender.
- b. Display of the Pride Flag on the flag poles located on Joseph Campau Ave.

ANSWER:

4. If the Answer to Interrogatory 3 is in the affirmative, please provide the following information, to the best of the respondent's recollection:

- a. The identity of the individual(s) with whom he had each communication.
- b. The substance of each communication, by all participants in the communication.

ANSWER:

5. Did Council Member Abu Musa, at any time prior to June 14, 2023, have any verbal communication or conversation, including any communication in person, or by any mechanical device, including by telephone, with anyone, including any resident or non-resident of Hamtramck, including Mayor Gahlib or any other member of the Hamtramck City Council or other Hamtramck government official, and including any religious leader of any religious denomination, whether a resident or non-resident of Hamtramck, regarding any of the following subjects:

- a. Intimate or sexual relations between members of the same gender.
- b. Display of the Pride Flag on the flag poles located on Joseph Campau Ave.

ANSWER:

6. If the Answer to Interrogatory 5 is in the affirmative, please provide the following information, to the best of the respondent's recollection:

- a. The identity of the individual(s) with whom he had each communication.
- b. The substance of each communication, by all participants in the communication.



ANSWER:

7. Did Council Member Khalil Refai, at any time prior to June 14, 2023, have any verbal communication or conversation, including any communication in person, or by any mechanical device, including by telephone, with anyone, including any resident or non-resident of Hamtramck, including Mayor Gahlib or any other member of the Hamtramck City Council or other Hamtramck government official, and including any religious leader of any religious denomination, whether a resident or non-resident of Hamtramck, regarding any of the following subjects:

- a. Intimate or sexual relations between members of the same gender.
- b. Display of the Pride Flag on the flag poles located on Joseph Campau Ave.

ANSWER:

8. If the Answer to Interrogatory 7 is in the affirmative, please provide the following information, to the best of the respondent's recollection:

a. The identity of the individual(s) with whom he had each communication.

b. The substance of each communication, by all participants in the communication.

ANSWER:

9. Did Council Member Mohammed Alsomiri, at any time prior to June 14, 2023, have any verbal communication or conversation, including any communication in person, or by any mechanical device, including by telephone, with anyone, including any resident or non-resident of Hamtramck, including Mayor Gahlib or any other member of the Hamtramck City Council or other Hamtramck government official, and including any religious leader of any religious denomination, whether a resident or non-resident of Hamtramck, regarding any of the following subjects:

a. Intimate or sexual relations between members of the same gender.

b. Display of the Pride Flag on the flag poles located on Joseph Campau Ave.

ANSWER:

10. If the Answer to Interrogatory 9 is in the affirmative, please provide the following information, to the best of the respondent's recollection:

a. The identity of the individual(s) with whom he had each communication.

b. The substance of each communication, by all participants in the communication.

ANSWER:

11. Did Council Member Mohammed Hassan, at any time prior to June 14, 2023, have any verbal communication or conversation, including any communication in person, or by any mechanical device, including by telephone, with anyone, including any resident or non-resident of Hamtramck, including Mayor Gahlib or any other member of the Hamtramck City Council or other Hamtramck government official, and including any religious leader of any religious

denomination, whether a resident or non-resident of Hamtramck, regarding any of the following subjects:

- a. Intimate or sexual relations between members of the same gender.
- b. Display of the Pride Flag on the flag poles located on Joseph Campau Ave.

ANSWER:

12. If the Answer to Interrogatory 11 is in the affirmative, please provide the following information, to the best of the respondent's recollection:

- a. The identity of the individual(s) with whom he had each communication.
- b. The substance of each communication, by all participants in the communication.

ANSWER:

Marc M. Susselman  
Attorney at Law  
Attorney for the Plaintiffs  
43834 Brandywyne Rd.  
Canton, Michigan 48187  
(734) 416-5186  
[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)

By: s/ Marc M. Susselman  
Attorney for Plaintiffs

Dated: May 16, 2024

## **EXHIBIT 7**



Marc Susselman &lt;marcsusselman@gmail.com&gt;

---

**Re: Responses to Plaintiff's First Interrogatories**

2 messages

**Odey K. Meroueh** <okm@mhatlaw.com>

Thu, Jun 20, 2024 at 11:52 AM

To: Marc Susselman &lt;marcsusselman@gmail.com&gt;

Hello Marc,

In lieu of said motion, would you give me 7 days, will have them to you by then.

Best,

**Odey K. Meroueh, Esq.**

Meroueh &amp; Hallman LLP

14339 Ford Road, 2nd Floor, Dearborn, MI, 48126

p: 313.582.7469 | f: 313.438.0540

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On Thu, Jun 20, 2024 at 11:11 AM Marc Susselman <[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)> wrote:

Odey,

Your clients' responses to Plaintiff's First Interrogatories are now 4 days overdue.

Will you concur in a motion to compel?

Marc

---

**Marc Susselman** <marcsusselman@gmail.com>

Thu, Jun 20, 2024 at 12:03 PM

To: "Odey K. Meroueh" &lt;okm@mhatlaw.com&gt;

Only if you agree to a Stipulated Order to that effect.

Marc

[Quoted text hidden]

## **EXHIBIT 8**





Marc Susselman <marcsusselman@gmail.com>

---

**(no subject)**

1 message

---

**Marc Susselman** <marcsusselman@gmail.com>  
To: "Odey K. Meroueh" <okm@mhatlaw.com>

Fri, Jun 28, 2024 at 6:33 AM

Odey,

On June 20 I emailed you and advised that you clients' answers to Plaintiffs' First Interrogatories were 4 days overdue and asked for your concurrence in a motion to compel. You asked me to give you 7 more days and promised that you would have the answers by then. The 7 days expired yesterday, June 27, and I still have not received your clients' answers to the First Interrogatories. I am tired of waiting.

Will you concur in a motion to compel? I am not giving you any more time.

Marc

## **EXHIBIT 9**



Marc Susselman <marcsusselman@gmail.com>

---

## Re: Plaintiffs' First Interrogatories

2 messages

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**Odey K. Meroueh** <okm@mhatlaw.com>  
To: Marc Susselman <marcsusselman@gmail.com>

Fri, Jun 28, 2024 at 2:36 PM

Please find attached our answer. Thank you for your patience.

Best,  
**Odey K. Meroueh, Esq.**  
Meroueh & Hallman LLP  
14339 Ford Road, 2nd Floor, Dearborn, MI, 48126  
p: 313.582.7469 | f: 313.438.0540  
[www.mhatlaw.com](http://www.mhatlaw.com)

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On Thu, May 16, 2024 at 11:36 AM Marc Susselman <[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)> wrote:

Odey,

Please see the attached.

Marc



**Defendant's Answers to Plaintiffs' First Interrogatories.pdf**  
172K

---

**Marc Susselman** <marcsusselman@gmail.com>  
To: "Odey K. Meroueh" <okm@mhatlaw.com>

Fri, Jun 28, 2024 at 3:27 PM

Odey,

The Answers to Interrogatories have not been signed by the Defendants, as required by the Court Rule.

Marc  
[Quoted text hidden]

## **EXHIBIT 10**



Marc Susselman <marcsusselman@gmail.com>

---

## Re: Supplemental Answers to Plaintiff's First Interrogatories

4 messages

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**Odey K. Meroueh** <okm@mhatlaw.com>  
To: Marc Susselman <marcsusselman@gmail.com>

Tue, Aug 6, 2024 at 10:23 AM

I'm very close. Need to get everything signed and notarized. Will send you update this evening with when I know all will have signed.

Best,  
**Odey K. Meroueh, Esq.**  
Meroueh & Hallman LLP  
14339 Ford Road, 2nd Floor, Dearborn, MI, 48126  
p: 313.582.7469 | f: 313.438.0540  
[www.mhatlaw.com](http://www.mhatlaw.com)

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On Tue, Aug 6, 2024 at 8:03 AM Marc Susselman <[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)> wrote:

Odey,

Your supplemental Answers to Plaintiffs' First Interrogatories were due on August 2. They are now 4 days overdue.

Marc

---

**Marc Susselman** <marcsusselman@gmail.com>  
To: "Odey K. Meroueh" <okm@mhatlaw.com>

Fri, Aug 9, 2024 at 7:07 PM

Odey,

Your clients' supplemental Answers to Plaintiffs' First Interrogatories are now a week overdue. On Aug. 6 you promised that I would have them shortly.

I have been very patient with your clients' delays in answering discovery requests. If I do not have their supplemental Answers by Tuesday, August 13, I will file another motion to compel and will request sanctions.

Marc  
[Quoted text hidden]

---

**Odey K. Meroueh** <okm@mhatlaw.com>  
To: Marc Susselman <marcsusselman@gmail.com>

Mon, Aug 12, 2024 at 11:56 AM

Hi Marc,

I have a council meeting with them all rounded up tomorrow night. I will send it to you Wednesday morning when I have received all their signatures the previous night.

Best,  
**Odey K. Meroueh, Esq.**  
Meroueh & Hallman LLP  
14339 Ford Road, 2nd Floor, Dearborn, MI, 48126

p: 313.582.7469 | f: 313.438.0540  
www.mhatlaw.com

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On Fri, Aug 9, 2024 at 7:07 PM Marc Susselman <marcsusselman@gmail.com> wrote:

Odey,

Your clients' supplemental Answers to Plaintiffs' First Interrogatories are now a week overdue. On Aug. 6 you promised that I would have them shortly.

I have been very patient with your clients' delays in answering discovery requests. If I do not have their supplemental Answers by Tuesday, August 13, I will file another motion to compel and will request sanctions.

Marc

On Tue, Aug 6, 2024 at 10:23 AM Odey K. Meroueh <okm@mhatlaw.com> wrote:

[Quoted text hidden]

---

**Marc Susselman** <marcsusselman@gmail.com>  
To: "Odey K. Meroueh" <okm@mhatlaw.com>

Mon, Aug 12, 2024 at 12:04 PM

OK. I am a very, very patient man.

Marc

[Quoted text hidden]

## **EXHIBIT 11**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

Russ Gordon and Cathy Stackpoole,

Plaintiffs,

vs.

Civil Action No.: 23-12812

The City of Hamtramck, the Hamtramck  
City Council, and Mayor Amer Ghalib,  
in his official capacity, only,

Hon. David Lawson

Defendants.

---

Marc M. Susselman (P29481)  
Attorney at Law  
Attorney for Plaintiffs  
43834 Brandywyne Rd.  
Canton, Michigan 48187  
(734) 416-5186  
[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)

---

Odey Meroueh (P76460)  
Meroueh & Hallman LLP  
Attorney for Defendants  
14339 Ford Road  
Dearborn, Michigan 48126  
(313) 582-7469  
[okm@mhatlaw.com](mailto:okm@mhatlaw.com)

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**DEFENDANTS' SUPPLEMENTAL ANSWERS TO PLAINTIFFS' FIRST  
INTERROGATORIES**

Defendants, by and through their attorneys, Meroueh Hallman LLP, hereby submit their Answers to Plaintiff's First Interrogatories pursuant to Fed. R. Civ. P. 33, and state as follows:

1. Did Mayor Ghalib, at any time after the pride flag issue arose, have any verbal communication or conversation, including any communication in person, or by any mechanical device, including by telephone, with anyone, including any



resident or non-resident of Hamtramck, including any member of the Hamtramck City Council or other Hamtramck government official, and including any religious leader of any religious denomination, whether a resident or non-resident of Hamtramck, regarding any of the following subjects:

- a. Intimate or sexual relations between members of the same gender.
- b. Display of the Pride Flag on the flag poles located on Joseph Campau Ave.

**ANSWER:**

- a. Conversations regarding intimacy between partners behind closed doors is not something that polite members of my community discuss. Speaking about these details of any private physical relationship is disrespectful. As such, I have not had any communications regarding the intimate or sexual relations of members of the same or opposite gender with anyone since this pride flag issue arose.
- b. I've had random people reach out to me in person or by phone to blame me over the pride flag flying after Russ Gordon flew it. They assume it was my decision to fly the pride flag. The substance of my conversation was explaining that Russ Gordon flew the flag without following the legal protocols set forth by the charter and the bylaws of the Human Relations Committee requiring them to hold votes with a quorum of their members when making decisions.

2. If the Answer to Interrogatory 1 is in the affirmative, please provide the following information, to the best of the respondent's recollection:

- a. The identity of the individual(s) with whom he had each communication.
- b. The substance of each communication, by all participants in the

communication.

**ANSWER:**

**Please see Defendants' Answer above to Plaintiffs' First Interrogatory.**

3. Did Council Member Muhith Mahmood, at any time prior to June 14, 2023, have any verbal communication or conversation, including any communication in person, or by any mechanical device, including by telephone, with anyone, including any resident or non-resident of Hamtramck, including Mayor Ghalib or any other member of the Hamtramck City Council or other Hamtramck government official, and including any religious leader of any religious denomination, whether a resident or non-resident of Hamtramck, regarding any of the following subjects:

- a. Intimate or sexual relations between members of the same gender.
- b. Display of the Pride Flag on the flag poles located on Joseph Campau Ave.

**ANSWER:**

- a. Conversations regarding intimacy between partners behind closed doors is not something that polite members of my community discuss. As such, I have not had any communications regarding the intimate or sexual relations of members of the same gender with anyone since the pride flag issue arose.
- b. I spoke with my shop steward at work, Jamil Johnson, who is in my union. He was concerned about the news he saw regarding Hamtramck and the pride flag and wanted to make sure that everyone was equally represented. Of course, I agree that everyone should be equally represented, however, it was our effort to be neutral that spurred the flag issue.

4. If the Answer to Interrogatory 3 is in the affirmative, please provide the following information, to the best of the respondent's recollection:

a. The identity of the individual(s) with whom he had each communication.

b. The substance of each communication, by all participants in the communication.

**ANSWER:**

**Please see Defendants' Answers above to Plaintiffs' Third Interrogatory.**

5. Did Council Member Abu Musa, at any time prior to June 14, 2023, have any verbal communication or conversation, including any communication in person, or by any mechanical device, including by telephone, with anyone, including any resident or non-resident of Hamtramck, including Mayor Ghalib or any other member of the Hamtramck City Council or other Hamtramck government official, and including any religious leader of any religious denomination, whether a resident or non-resident of Hamtramck, regarding any of the following subjects:

a. Intimate or sexual relations between members of the same gender.

b. Display of the Pride Flag on the flag poles located on Joseph Campau Ave.

**c. ANSWER:**

- a. Conversations regarding intimacy between partners behind closed doors is not something that polite members of my community discuss. As such, I have not had any communications regarding the intimate or sexual relations of members of the same gender with anyone since the pride flag issue arose.
- b. I do not recall any conversations regarding the pride flag outside of the council chambers during the council meeting discussions.

6. If the Answer to Interrogatory 5 is in the affirmative, please provide the following information, to the best of the respondent's recollection:

- a. The identity of the individual(s) with whom he had each communication.
- b. The substance of each communication, by all participants in the communication.

ANSWER:

**Please see Defendants' Answers above to Plaintiffs' Fifth Interrogatory.**

7. Did Council Member Khalil Refai, at any time prior to June 14, 2023, have any verbal communication or conversation, including any communication in person, or by any mechanical device, including by telephone, with anyone, including any resident or non-resident of Hamtramck, including Mayor Ghalib or any other member of the Hamtramck City Council or other Hamtramck government official, and including any religious leader of any religious denomination, whether a resident

or non-resident of Hamtramck, regarding any of the following subjects:

- a. Intimate or sexual relations between members of the same gender.
- b. Display of the Pride Flag on the flag poles located on Joseph Campau Ave.

- a. ANSWER: Conversations regarding intimacy between partners behind closed doors is not something that polite members of my community discuss. As such, I have not had any communications regarding the intimate or sexual relations of members of the same gender with anyone since the pride flag issue arose.
- b. I spoke with numerous members of the community who approached me regarding the pride flag. I don't recall their names, but I recall some of the conversations I had. The substance of those conversations was that the community was against the flying of the pride flag.

8. If the Answer to Interrogatory 7 is in the affirmative, please provide the following information, to the best of the respondent's recollection:

- a. The identity of the individual(s) with whom he had each communication.
- b. The substance of each communication, by all participants in the communication.

**ANSWER: Please see Defendants' Answers above to Plaintiffs' Seventh Interrogatory.**

9. Did Council Member Mohammed Alsomiri, at any time after the pride flag issue arose in the City of Hamtramck, have any verbal communication or conversation, including any communication in person, or by any mechanical device, including by telephone, with anyone, including any resident or non-resident of Hamtramck, including Mayor Ghalib or any other member of the Hamtramck City Council or other Hamtramck government official, and including any religious leader of any religious denomination, whether a resident or non-resident of Hamtramck, regarding any of the following subjects:

- a. Intimate or sexual relations between members of the same gender.
- b. Display of the Pride Flag on the flag poles located on Joseph Campau Ave.

Answer:

- a. Conversations regarding intimacy between partners behind closed doors is not something that polite members of my community discuss. As such, I have not had any communications regarding the intimate or sexual relations of members of the same gender with anyone since the pride flag issue arose.
- b. I spoke with numerous members of the community who approached me regarding the pride flag. I don't recall their names, but I recall some of the conversations I had. The substance of those conversations was that the community was against the flying of the pride flag. I respect my community. They vote for me. So I listened to their concerns.

10. If the Answer to Interrogatory 9 is in the affirmative, please provide the following information, to the best of the respondent's recollection:

a. The identity of the individual(s) with whom he had each communication.

b. The substance of each communication, by all participants in the communication.

**ANSWER: Please see Defendants' Answers above to Plaintiffs' Ninth Interrogatory.**

11. Did Council Member Mohammed Hassan, at any time prior to June 14, 2023, have any verbal communication or conversation, including any communication in person, or by any mechanical device, including by telephone, with anyone, including any resident or non-resident of Hamtramck, including Mayor Ghalib or any other member of the Hamtramck City Council or other Hamtramck government official, and including any religious leader of any religious denomination, whether a resident or non-resident of Hamtramck, regarding any of the following subjects:

- a. Intimate or sexual relations between members of the same gender.
- b. Display of the Pride Flag on the flag poles located on Joseph Campau Ave.

**ANSWER:**

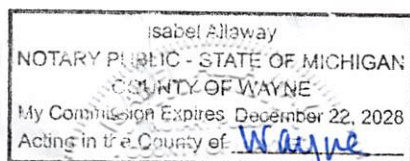
- a. Conversations regarding intimacy between partners behind closed doors is not something that polite members of my community discuss. As such, I have not had any communications regarding the intimate or sexual relations of members of the same gender with

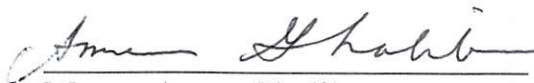
- anyone since the flag issue.
- b. I avoided speaking about this issue with any private citizens, however, I did speak with some councilmen at various times and the Mayor regarding the flags. The substance of the communications was that I insisted that the City remain neutral when it came to flags, and that we could not show preferential treatment to any group. If we approve one flag, there are another 15 flags going to replace it.

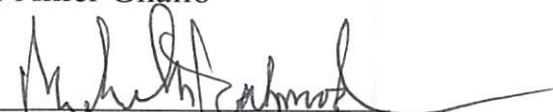
12. If the Answer to Interrogatory 11 is in the affirmative, please provide the following information, to the best of the respondent's recollection:

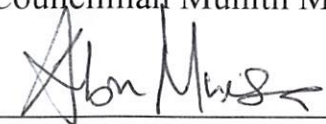
- a. The identity of the individual(s) with whom he had each communication.
- b. The substance of each communication, by all participants in the communication.

**ANSWER: Please see Defendants' Answers above to Plaintiffs' Eleventh Interrogatory.**



  
Mayor Amer Ghalib

  
Councilman Muhith Mahmoud

  
Councilman Abu Musa

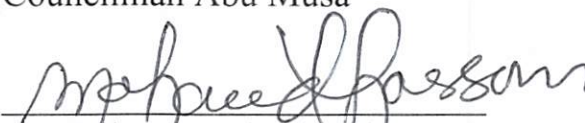
  
Councilman Mohammad Hassan



Figure 1. The effect of the concentration of the *Agaricus bisporus* spores on the growth of *Agaricus bisporus* and *Agaricus bisporus* spores.

603225 1996 *Journal of the American Academy of Child and Adolescent Psychiatry* 35: 103-111, 1996. © 1996 by John Wiley & Sons, Inc.

DATE: 11/10/2010 TIME: 11:30 AM

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971).

*Journal of Management Education* 36(7)>

*[Signature]*

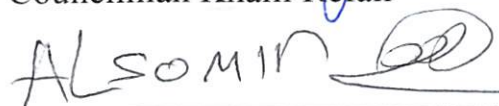
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\_\_\_\_\_  
Councilman Khalil Refaii

  
\_\_\_\_\_  
Councilman Mohamed Al-Somiri

Approved as to Form:

By: s/ Odey K. Meroueh  
Attorney for Defendants

Dated: August 13, 2024

Isabel Allaway  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF WAYNE  
My Commission Expires December 22, 2028  
Acting in the County of Wayne



Handwritten notes and signatures at the top of the page, including a signature that appears to be "A".

Seal of the State of Michigan, Department of the Secretary of State, Office of the Registrar of Deeds, County of Wayne, Michigan.



## **EXHIBIT 12**

**Mohammed Alsomari**

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RUSS GORDON and CATHY  
STACKPOOLE,

Civil Action No.:  
23-12812

Plaintiffs,

Honorable  
David Lawson

vs.

THE CITY OF HAMTRAMCK, THE  
HAMTRAMCK CITY COUNCIL, and  
MAYOR AMER GHALIB, in his  
official capacity only,

Defendants.

---

The Deposition of MOHAMMED ALSOMARI, a Witness  
herein, taken pursuant to Notice of Deposition, before  
Sharon Julian, CSR-3915, Registered Professional Reporter  
and Notary Public for the County of Wayne, State of  
Michigan, at 3401 Evaline Street, Hamtramck, Michigan, on  
Thursday, August 22, 2024, commencing at about 10:12 a.m.

APPEARANCES:

MARC M. SUSSELMAN, ESQ. P29481  
43834 Brandywyne Road  
Canton, Michigan 48187  
734-416-5186  
marcsusselman@gmail.com

For the Plaintiffs.

ODEY MEROUEH, ESQ. P76460  
Meroueh & Hallman, LLP  
14339 Ford Road  
Dearborn, Michigan 48126  
313-582-7469  
okm@mhatlaw.com

For Defendants.

PRESENT: Cathy Stackpoole, Plaintiff.

Mohammed Alsomari

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1 INDEX  
 2 WITNESS: MOHAMMED ALSOMARI PAGE  
 3 Examination By Mr. Susselman 3

4 ---  
 5 EXHIBIT  
 6 (Attached/Scanned)  
 7 Exhibit Description Page  
 8  
 9 18 Deposition Notice 4  
 10 19 Defendant's Supplemental Answers 60  
 to Plaintiffs' First Interrogatories

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Mohammed Alsomari

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1 Hamtramck, Michigan  
 2 Thursday, August 22, 2024  
 3 About 10:12 a.m.  
 4 ---

5 MR. MEROUEH: For the record, I just want to  
 6 mention Councilman Alsomari, English is his second  
 7 language. So, for example, I mean, he, obviously, reads  
 8 and writes in Arabic, but English, I would have to read,  
 9 you know, if you're going to ask him about this Notice.

10 I've communicated -- he didn't read it.  
 11 I had communicated it to him, the contents.

12 MR. SUSSELMAN: Well, I'm going to ask him.  
 13 Again, if there are any questions --  
 14

15 MOHAMMED ALSOMARI,  
 16 a Witness herein, having been first duly sworn,  
 17 testified as follows:

18 EXAMINATION

19 BY MR. SUSSELMAN:

20 Q My name is Marc Susselman.

21 A Yes.

22 Q I'm the attorney for the Plaintiffs in this lawsuit.

23 A Okay.

24 Q And, so, there's certain ground rules. I'm going to be  
 25 asking you questions. If you don't understand the

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Mohammed Alsomari

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1 question, either because I didn't frame it clearly, or I  
 2 spoke too fast, or there's a language issue, just let me  
 3 know.

4 A Okay.

5 Q And if you need it translated, Odey will translate.  
 6 Okay?

7 A Okay.

8 Q After you indicate that you do understand the question,  
 9 you have to answer, unless it's protected by what's  
 10 called attorney-client privilege. And Odey will object  
 11 if it is. But other than that, no other objections  
 12 preclude you from answering; relevance, whatever, unless  
 13 it's attorney-client privilege.

14 You should give your answers verbally, not just  
 15 by nods or gestures so the court reporter can take it  
 16 down.

17 And -- yeah, if you answer a question, I'll  
 18 assume you understood it. And those are the ground  
 19 rules. Okay?

20 A Okay.

21 (Exhibit 18 was marked for identification.)

22 BY MR. SUSSELMAN:

23 Q So, first, I am going to mark the Notice and ask if you  
 24 have seen this document?

25 A (Witness reviewing document.)

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Mohammed Alsomari

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1 Q So, Mr. Alsomari, I'm showing you what's been marked as  
 2 Exhibit Number 18. Do you recognize it?

3 A Eighteen?

4 Q Yeah. It says 18. Exhibit 18. That's just a number.  
 5 But do you recognize the document?

6 A I don't know.

7 MR. MEROUEH: As I mentioned before, I've  
 8 communicated the contents to him. He hasn't seen this  
 9 document.

10 MR. SUSSELMAN: He has not seen it?

11 MR. MEROUEH: Right.

12 A Yes.

13 MR. SUSSELMAN: Did you communicate to him that  
 14 he should bring any documents he had in his possession?

15 MR. MEROUEH: You can ask him specifically.

16 But, yeah, I have.

17 MR. SUSSELMAN: Okay.

18 BY MR. SUSSELMAN:

19 Q Mr. Alsomari, have you brought any --

20 This is what's called a duces tecum notice. It  
 21 means I'm asking you to bring things to the deposition --

22 A Okay.

23 Q -- that I believe are relevant.

24 So I've asked you to bring, for example:

25 "Any and all documents,

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Mohammed Alsomari

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1 including memoranda, e-mails,  
 2 text messages and notes relating  
 3 to the Hamtramck flag display policy  
 4 and practice during the years 2013 to  
 5 2024 not protected by the attorney-client  
 6 privilege."  
 7 Have you brought any such documents with you?  
 8 A No.  
 9 Q "No." Do you have such documents?  
 10 A No.  
 11 Q "No." Secondly, I asked you to bring:  
 12 "Any and all documents, including  
 13 letters, memoranda, e-mails, text  
 14 messages, and notes relating to the  
 15 discussion and passage of  
 16 Resolution 2023-82."  
 17 Which was the pride flag resolution.  
 18 A 2023 when they have resolution with the flag, yeah, I was  
 19 there.  
 20 Q You were there. I know you were there --  
 21 A Yes.  
 22 Q -- but do you have any documents relating to it?  
 23 A No.  
 24 Q And I assume the answer is going to be "no" to:  
 25 "Any and all documents, including

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1 letters, memoranda, e-mails, text messages,  
 2 and notes relating to the discussion and  
 3 passage of that resolution."  
 4 A No.  
 5 Q Do you have any documents in that regard?  
 6 A No.  
 7 Q Okay.  
 8 MR. MEROUEH: I'm sorry. Never mind. I forgot  
 9 to mention. There was a miscommunication between me and  
 10 Councilman Muhith Mahmood. We have to reschedule his. I  
 11 didn't understand that he didn't understand that it was  
 12 confirmed for today.  
 13 MR. SUSSELMAN: Okay. We have Khalil Refai?  
 14 MR. MEROUEH: Khalil Refai will be here.  
 15 MR. SUSSELMAN: And Hassan?  
 16 MR. MEROUEH: No Hassan. No. We didn't set  
 17 Hassan. It was Hamood. You sent me Hamood.  
 18 MR. SUSSELMAN: Oh. But he's not --  
 19 MR. MEROUEH: I miscommunicated with him. That  
 20 was my fault. But he'll be here for next week.  
 21 MR. SUSSELMAN: All right. So we have Hassan,  
 22 Mahmood --  
 23 MR. MEROUEH: Abu Musa and Choudhury.  
 24 MR. SUSSELMAN: And Choudhury. You know them  
 25 by first name.

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1 MR. MEROUEH: Choudhury. Choudhury will be the  
 2 following week. All right?  
 3 MR. SUSSELMAN: Okay. So you think we can get  
 4 all four of them?  
 5 MR. MEROUEH: We'll have them done in the next  
 6 week and a half.  
 7 MR. SUSSELMAN: Okay. Very good.  
 8 BY MR. SUSSELMAN:  
 9 Q Mr. Alsomari --  
 10 Excuse me if I mispronounce it.  
 11 A Yes.  
 12 Q Have you read the Complaint in this lawsuit? The legal  
 13 document that was filed to start the lawsuit?  
 14 A I have read that one.  
 15 Q You have read it?  
 16 A I have, but I don't see them.  
 17 Q You haven't seen it?  
 18 A No.  
 19 Q Not been shown it?  
 20 A No. I have people talk about it.  
 21 Q You have not read it?  
 22 A Yeah.  
 23 Q Have you read any of the depositions that were taken  
 24 prior to today; either the Mayor, or the city manager,  
 25 any of the witnesses?

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1 Have you read any depositions prior to today?  
 2 A No.  
 3 Q "No." A deposition is like what's going on now, but it  
 4 would be a transcript. A written recitation of what  
 5 happened at the deposition.  
 6 You have not read any of them?  
 7 A No.  
 8 Q So you didn't read Mayor Ghalib's deposition prior to  
 9 today?  
 10 A (Witness shakes head no.)  
 11 Q "No." Have you discussed your deposition today with  
 12 anybody else --  
 13 A No.  
 14 Q -- other than your attorney?  
 15 A Today no.  
 16 Q "No." So you didn't -- did you discuss your deposition  
 17 today with Mayor Ghalib?  
 18 A No.  
 19 Q Did you discuss your deposition today with any of the  
 20 other City Council members?  
 21 A (Witness shakes head no.)  
 22 Q "No." Could you tell me something about -- this is  
 23 background information about your education.  
 24 A My education I got back home, middle school. In the back  
 25 home.

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- 1 Q Where's "back home?"  
 2 A In Yemens[sic].  
 3 Q Yemen?  
 4 A Middle school, yes.  
 5 Q Anything beyond middle school?  
 6 A No.  
 7 Q When did you immigrate to the United States?  
 8 A 2001.  
 9 Q "2001"?  
 10 A Yeah.  
 11 Q How old were you?  
 12 A Almost sixty[sic].  
 13 Q "Sixteen"?  
 14 A Sixty.  
 15 Q Sixteen? One-six?  
 16 A No. When I came -- I am now almost 60. Six-zero.  
 17 Q You're 60. Okay.  
 18 A Yeah.  
 19 Q You don't look 60.  
 20 MR. MEROUEH: No. You look younger. You look  
 21 16.  
 22 A No. No. Sixty. 1966 --  
 23 BY MR. SUSSELMAN:  
 24 Q So 23 years ago you were, if my math is right, 37. You  
 25 were 37? You were 37 --

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- 1 A No. I go over there, somebody they help me with  
 2 application, and I start work in cleanup and go to  
 3 machine operator.  
 4 Q They taught you on the job how to do it?  
 5 A Yeah.  
 6 Q What did you say, a restaurant as well?  
 7 A Yeah, I worked in restaurant, National Coney Island.  
 8 Q Which restaurant is that?  
 9 A It's Twelve Mile and Van Dyke. National Coney Island.  
 10 Q What kind of restaurant is it?  
 11 A National Coney.  
 12 Q Did you say Van Dyke --  
 13 MS. STACKPOOLE: National Coney Island.  
 14 BY MR. SUSSELMAN:  
 15 Q Okay. Do you still work at both places?  
 16 A No. I have for long time.  
 17 Q So you don't work in the factory anymore?  
 18 A No.  
 19 Q And you don't work in the restaurant anymore?  
 20 A No.  
 21 Q Are you currently employed?  
 22 A No. I start working in 2007 with property. I buy some  
 23 property. Fix houses; sell houses.  
 24 Q Okay.  
 25 A Yeah. And I have some property.

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- 1 A Um-hmm.  
 2 Q -- when you immigrated? Okay.  
 3 And you haven't had any schooling beyond middle  
 4 school?  
 5 A No.  
 6 Q Okay. Can you tell us something about your employment  
 7 since you've been in the United States? What kind of  
 8 employments have you had?  
 9 A Where I working?  
 10 Q Yeah.  
 11 A I worked in factory and restaurant.  
 12 Q Factory?  
 13 A Yeah.  
 14 Q What kind of factory?  
 15 A Factory in -- on Nine Mile, AZ. The name AZ Factory.  
 16 Q What do they do there?  
 17 A Machine operator.  
 18 Q So you operate machines?  
 19 A Yeah, machines.  
 20 Q What kind of machines?  
 21 A Was a factory for the cars. Motor stuff.  
 22 Q "Motor stuff?"  
 23 A Yeah.  
 24 Q Did you learn to do that here in the United States, or  
 25 did you know that in Yemen?

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- 1 Q Is that property located in Hamtramck?  
 2 A Yes, Hamtramck.  
 3 Q All of it, or is some of it located elsewhere?  
 4 A No. Long time I got some in Detroit. I sell in Detroit.  
 5 I have all my property in Hamtramck.  
 6 Q Okay. How many houses -- can you estimate how many you  
 7 own?  
 8 A No. Now, I got three houses in my name, and I got four  
 9 building.  
 10 Q Four buildings and three houses?  
 11 A Yeah. And got some property, empty lot.  
 12 Q Okay. Empty lot?  
 13 A Yeah.  
 14 Q What is your legal residence? Where do you live?  
 15 A In Hamtramck.  
 16 Q "In Hamtramck?"  
 17 A Yes.  
 18 Q If you know, did you claim the homestead in Hamtramck on  
 19 your Michigan State Tax Return?  
 20 A Yes. In Hamtramck and Michigan, yes.  
 21 Q So you claimed Hamtramck as your home state?  
 22 A Yeah.  
 23 Q What positions have you had in the Hamtramck government?  
 24 A Only City Council.  
 25 Q And when did you first run for that office?

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- 1 A I started to run for that position 2015, and I didn't  
 2 won. And I came back to run again 2017, and I won the  
 3 primary and I lost in general election. And --  
 4 **Q Okay. So you lost in 2017 and you lost in 2015?**  
 5 A Yeah. And I run again 2019 --  
 6 **Q Yes.**  
 7 A -- and I won 2019.  
 8 **Q Okay.**  
 9 A And I started City Council 2020.  
 10 **Q Okay. How long is the City Council term? How many**  
 11 **years?**  
 12 A This year the second.  
 13 **Q This is your second term?**  
 14 A Yes.  
 15 **Q So they're two years each?**  
 16 A No. Four years. Four years.  
 17 **Q Well, so, you won in 2020. That was your first term?**  
 18 A Yeah, I start -- I start 2020.  
 19 **Q And now you're in your second term now?**  
 20 A Now second term, yes.  
 21 **Q So that's four years difference. That's why I thought**  
 22 **they were two years apiece.**  
 23 A Yeah. No, four years. My term four years.  
 24 The first term four years is done. We start  
 25 now. This year is the second term.

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- 1 **Q That's not my question.**  
 2 **Do you know what the pride flag stands for?**  
 3 A Pride flag, I don't know before. I got many friends.  
 4 But when I go to City Council, my community they say:  
 5 Please do not do that one. Yes, the community they vote  
 6 for me. They -- my community.  
 7 **Q Still you're not --**  
 8 **What is the pride flag is all I'm asking?**  
 9 A The pride flag --  
 10 **Q What is it?**  
 11 A -- that's -- we got a stripe yellow. Some they fly --  
 12 they -- gay flag.  
 13 **Q What was that?**  
 14 A This is a gay flag? What is it?  
 15 **Q Yes. Well --**  
 16 MR. MEROUEH: The gay flag.  
 17 A The gay flag.  
 18 BY MR. SUSSELMAN:  
 19 **Q Some call it the pride flag.**  
 20 A Yeah. They call it gay flag, yes.  
 21 **Q Okay. What does that flag represent to you?**  
 22 A Flag represent -- I don't understand that one.  
 23 **Q Well, flags represent various things. The American flag**  
 24 **represents the United States of America.**  
 25 **What does the gay flag represent?**

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- 1 **Q You're running -- is this in November of this year?**  
 2 A November of last years[sic].  
 3 **Q November of last year?**  
 4 A Yes.  
 5 MR. MEROUEH: I'm sorry.  
 6 BY MR. SUSSELMAN:  
 7 **Q So this is no beg deal. I'm just trying to figure --**  
 8 **You ran for office, in what, November 2020?**  
 9 A 2019, and I win. I started 2020.  
 10 **Q Okay. So you won 2019?**  
 11 A Yes.  
 12 **Q And, then, you won 2023. So that's your four years?**  
 13 A Yes.  
 14 **Q I got it. Okay.**  
 15 **Have you had any other office? Government**  
 16 **office --**  
 17 A No.  
 18 **Q -- here in the city? City Council or anywhere else?**  
 19 A No. Only that one.  
 20 **Q Only that?**  
 21 A Yes. And I work in my property. Live in the city. I  
 22 live in the city.  
 23 **Q Do you know what is referred to as the pride flag?**  
 24 A Only when I am on the City Council. Before, we didn't  
 25 watch the politics. I don't know.

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- 1 A I have that one for gay flag.  
 2 **Q Let me ask you. If I were to tell you, and either do you**  
 3 **agree or disagree with me, that the gay flag promotes**  
 4 **tolerance towards gay people, does that make sense to**  
 5 **you? Is that --**  
 6 A The gay flag --  
 7 MR. MEROUEH: Objection.  
 8 A The gay flag like what --  
 9 MR. MEROUEH: It's leading.  
 10 MR. SUSSELMAN: Well, I'm allowed to lead.  
 11 A I have the gay flag for the gay people.  
 12 BY MR. SUSSELMAN:  
 13 **Q What does that mean "for the gay people"?**  
 14 **Versus for white people? Or for --**  
 15 A Not white people. For gay people. Doesn't matter  
 16 what --  
 17 **Q So what are gay people?**  
 18 A The gay people. You know, you, like, stay with the gay  
 19 people. I am personally -- I have family. I have kids.  
 20 Me and my family wouldn't like some gay people.  
 21 **Q I didn't hear what you just said.**  
 22 A The gay people, for me, something is bad.  
 23 **Q It's bad? You think it's bad?**  
 24 A Yeah.  
 25 **Q Why do you think it's bad?**

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- 1 A Okay. I give you some example.  
 2 **Q Yeah.**  
 3 A If you smoke -- if I am smoker and we got allergy, you  
 4 going to stay with me when I have a smoking bad[sic]?  
 5 And you got allergy.  
 6 **Q I try not to be around you if you're smoking.**  
 7 A Yeah. I am smoking, smoke bad. Smoke bad.  
 8 Anything smoke, and you got allergy, you going  
 9 to stay with me?  
 10 **Q No. Not while you're smoking, no.**  
 11 A Same. Same. So this gay flag --  
 12 MR. MEROUEH: Let him finish.  
 13 A Gay flag for me and my family is not good.  
 14 BY MR. SUSSELMAN:  
 15 **Q Okay. I'm going to try to find out why you think it's**  
 16 **not good.**  
 17 A Yeah, it's not good for family  
 18 **Q Have you met gay --**  
 19 A Huh?  
 20 **Q Have you met gay people?**  
 21 A Yeah. I got many friend, we stay with him, do business.  
 22 I help work with them. Help a lot of people.  
 23 But for this issue and my kids, it's not good  
 24 for me.  
 25 **Q I'm trying to find out why. I mean, you gave me the**

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- 1 A That's when they have --  
 2 **Q Was there nude -- no. There are nongay people who in**  
 3 **California walk around without clothes on.**  
 4 A No. I see some in my face in California.  
 5 **Q Yeah. But were they gay?**  
 6 A And I see some in California when I go.  
 7 **Q How did you know they were gay?**  
 8 A Yeah. People, they say, why do that? They say those  
 9 gay.  
 10 **Q They said they were gay?**  
 11 A Yeah.  
 12 **Q Aside from California, have you seen it in Michigan or**  
 13 **Hamtramck?**  
 14 A No, I didn't see.  
 15 **Q So you haven't seen it in Hamtramck?**  
 16 A I didn't see it. But when you're here, those people, the  
 17 background for those, they scary.  
 18 **Q I'm not sure what you just said.**  
 19 **Gay people -- you've not seen gay people engage**  
 20 **in gay activities in front of you; right? You've not**  
 21 **seen it?**  
 22 A No, I didn't see it.  
 23 **Q It's your understanding in private, when you're not**  
 24 **around, they do things that you think are wrong; would**  
 25 **that be accurate?**

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- 1 **example of smoking; right?**  
 2 A Yes.  
 3 **Q So gay people have a lifestyle. You know what their**  
 4 **lifestyle means?**  
 5 **They have relationships -- gay people have**  
 6 **relationships, but you don't -- when you interact with**  
 7 **them, you don't --**  
 8 **If you're smoking -- I see you smoking, I can**  
 9 **decide whether I want to be in your presence or not.**  
 10 **Am I speaking too fast?**  
 11 A That's okay.  
 12 **Q Okay. When you meet gay people, do you see them engaging**  
 13 **in the things that are not good? Do you see them doing**  
 14 **the things you --**  
 15 A When they doing -- when they doing, like, when we see  
 16 some people they, you know, they giving you something  
 17 bad, I can't stay there.  
 18 **Q Have you seen gay people do things bad?**  
 19 A It's not in Michigan. I go some vacation when -- like,  
 20 four, five years in California.  
 21 **Q "In California"?**  
 22 A In California. I see some -- you look, something bad.  
 23 **Q What did you see in California?**  
 24 A I see some people there's no clothes, anything.  
 25 **Q And they were gay?**

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- 1 A That's when I seen in California, not over here.  
 2 **Q Not here?**  
 3 A No.  
 4 **Q So why is that it you feel gay people in Hamtramck do**  
 5 **things that are wrong? You haven't seen them?**  
 6 A I didn't see them, but that's what I just told you. I  
 7 see some different state.  
 8 MR. MEROUEH: I'm going to object. Putting  
 9 words in his mouth. That's not what he said, but go  
 10 ahead.  
 11 MR. SUSSELMAN: I'm having trouble  
 12 understanding.  
 13 MR. MEROUEH: I understand.  
 14 MR. SUSSELMAN: Okay.  
 15 BY MR. SUSSELMAN:  
 16 **Q Go on.**  
 17 MR. MEROUEH: Which is why I prefaced this by  
 18 saying that English is his second language.  
 19 MR. SUSSELMAN: I know. And if you have to  
 20 trans -- please, you know, if you need to translate --  
 21 MR. MEROUEH: I'm not able to translate. I'm  
 22 not fluent in Arabic.  
 23 MR. SUSSELMAN: You're not?  
 24 MR. MEROUEH: No.  
 25 MR. SUSSELMAN: Get out of here.

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1 MS. STACKPOOLE: Then why don't we have an  
2 interpreter?  
3 MR. MEROUEH: I offered you -- I told you to  
4 get one.  
5 MR. SUSSELMAN: I don't remember you telling me  
6 that.  
7 MR. MEROUEH: I know I mentioned it. I thought  
8 we -- it was in the middle of an argument, so probably  
9 not.  
10 MR. SUSSELMAN: This is off the record.  
11 (Discussion continued off the record.)  
12 BY MR. SUSSELMAN:  
13 **Q I guess I was asking you, you have this concept, idea, of**  
14 **gay people that they're wrong. Their lifestyle is wrong.**  
15 **Would that be accurate?**  
16 MR. MEROUEH: Objection. That's not what he  
17 said.  
18 Go ahead.  
19 A I don't understand how --  
20 BY MR. SUSSELMAN:  
21 **Q What is it that -- do you think gay people are wrong**  
22 **about something?**  
23 A I just told you, gay people is wrong, when I see the  
24 face, people in California. I don't see over there in  
25 Michigan. That's something you scare me. I don't

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1 **Q -- you have seen people --**  
2 **Actually, I guess, there's another ground rule.**  
3 **Before you start to answer, let me finish my question --**  
4 A Okay.  
5 **Q -- so we're not talking over each other. Okay?**  
6 **When you lived in Yemen, did you see gay people**  
7 **walking around naked?**  
8 A No.  
9 **Q Did you see gay people at all in Yemen?**  
10 A No.  
11 **Q So only here in the United States?**  
12 A Only here in the United States when I go in California.  
13 **Q "California."**  
14 A I don't see in Michigan.  
15 **Q Okay. And what was it about the walking around naked you**  
16 **thought was bad? Was wrong?**  
17 A It's bad when you see some people there's no clothes. We  
18 didn't speak English, they can bother you to do anything.  
19 For me, it's some bad. It's not good.  
20 **Q Okay. So you believe it's wrong for people to walk**  
21 **around naked --**  
22 A Yeah.  
23 **Q -- in public; is that accurate?**  
24 A Yeah. When I seen in California, not over here.  
25 **Q Okay. But you're not seeing that in Michigan --**

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1 accept, like, that one.  
2 **Q Okay.**  
3 A Me and my family, we don't accept that one.  
4 **Q Okay.**  
5 A Yeah. When I see it in California.  
6 **Q Have you seen any people of any kind in Hamtramck walking**  
7 **around naked?**  
8 A Yeah, I didn't see.  
9 **Q You have not?**  
10 A Yeah, I didn't see.  
11 **Q Okay. Do you think when you're not looking and don't see**  
12 **them that gay people do things that you think are wrong?**  
13 A Are wrong when I see in California. When I see in  
14 California, people they told me. I said: What happened  
15 those people? They say those people is gay.  
16 They scare me when I go because all my big  
17 family in California, not here. My family in Michigan, a  
18 little bit. Small family, not big family.  
19 All my family live in California. I go some  
20 vacation and I come back, somebody they show me some in  
21 San Francisco. They scare me because I don't see before.  
22 Like, almost 50 years in -- back home some people like  
23 that one.  
24 **Q Are you saying back in Yemen --**  
25 A Yeah.

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1 A I didn't see that.  
2 **Q -- or Hamtramck?**  
3 A I didn't see that, no, because I go and watch my family  
4 working inside the city. I don't see right now.  
5 **Q Let me ask you this. Do you believe it's wrong for**  
6 **people of the same sex, you know, sex, gender --**  
7 **Do you know the word "gender"?**  
8 **Men and men, women and women engaging in sexual**  
9 **relations. Do you believe that is wrong?**  
10 A That's some personality of the people. Some personality.  
11 Me, we didn't do that one. People that want to do that,  
12 that's something different. It's personality.  
13 **Q It's personal?**  
14 A Yeah.  
15 **Q So you don't think if they do that, that that's wrong?**  
16 **They do it --**  
17 A For me, it's some wrong. But other people, if they did,  
18 that's his person.  
19 **Q Okay. So if other people do it, do you believe it's**  
20 **sinful for them to do it?**  
21 A That's up to them. It's not me.  
22 **Q Okay. Do you believe it's wrong for people of the same**  
23 **sex or gender, man and man, woman and woman, to get**  
24 **married?**  
25 A Accept the people. All these people, they believe to do

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- 1 that one, it's up to him. It's not me.
- 2 **Q No, you don't do that. I understand.**
- 3 **You have a wife?**
- 4 A I got a wife, yes.
- 5 **Q Yes. And children?**
- 6 A Yes.
- 7 **Q But other people who are gay believe it's all right for**
- 8 **gay people to marry each other.**
- 9 A That's up to him.
- 10 **Q "That's up to them"?**
- 11 A Yeah, it's up to him.
- 12 **Q Do you belong or observe any religion?**
- 13 A I don't understand that one.
- 14 **Q You know what the word "religion" is?**
- 15 A Yes, I know what religion is, but I don't know -- I don't
- 16 understand what that --
- 17 **Q Well, do you attend any house of worship? Either a**
- 18 **church? A mosque? A synagogue? A Buddhist temple?**
- 19 **Do you attend services? Religious services?**
- 20 A I sit for the whole community in Hamtramck; everyone.
- 21 **Q That's not my question, sir.**
- 22 A Yes, I serve the whole community.
- 23 **Q I'm sure you do.**
- 24 A Yes.
- 25 **Q That's not my question. I'm asking you do you attend**

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- 1 A I have that one, Christianity, yeah. But I don't find
- 2 out what religion. I got a lot of friends, but I don't
- 3 find out what -- I guess, some -- a lot of friend;
- 4 Albanian, Ukranian, Bosnian.
- 5 **Q Yeah.**
- 6 A Yeah.
- 7 **Q And you know them? Some of them?**
- 8 A Yeah. I know working with them, everything is happy,
- 9 yeah.
- 10 **Q They go to church?**
- 11 A Yeah. Some people, they go to church.
- 12 **Q Some people go to church?**
- 13 A Some people, they go to church, yeah.
- 14 **Q Do you know what a mosque is?**
- 15 A Yeah. People, they go to the mosque. Everyone, they
- 16 go -- depends what they want.
- 17 **Q Yes.**
- 18 A Yeah.
- 19 **Q And there are synagogues. I don't know if there are any**
- 20 **in Hamtramck, but Jewish people -- you know who they are;**
- 21 **right?**
- 22 A Yeah.
- 23 **Q So are there any Christians --**
- 24 **When you grew up in Yemen, did you know any**
- 25 **Christians in Yemen?**

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- 1 **religious services of any religion?**
- 2 A I don't understand.
- 3 MR. MEROUEH: Objection. Asked and answered.
- 4 He just answered that.
- 5 MR. SUSSELMAN: No, he didn't.
- 6 MR. MEROUEH: He said he serves everybody. The
- 7 whole community.
- 8 MR. SUSSELMAN: That's not what I asked him,
- 9 though. I asked him if he attends religious services.
- 10 BY MR. SUSSELMAN:
- 11 **Q Do you not understand my question?**
- 12 A I don't understand exactly.
- 13 **Q You don't understand it?**
- 14 A No.
- 15 **Q Do you know what religion is?**
- 16 A Religions, yes.
- 17 **Q Can you name some religions for me?**
- 18 A Name religions?
- 19 **Q Yeah. What are some religions?**
- 20 A My name Mohammed Alsomari.
- 21 **Q No.**
- 22 A Yeah.
- 23 **Q Is Christian a religion?**
- 24 A Christian?
- 25 **Q Yeah. Do you know what Christianity is?**

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- 1 A I didn't see.
- 2 **Q You did not see them?**
- 3 A I didn't see.
- 4 **Q Did you attend religious services in Yemen? Did you**
- 5 **belong to a mosque in Yemen?**
- 6 A Yeah. When I go to Yemen, yeah, we go to mosque.
- 7 **Q Do you go to a mosque where you live now in Hamtramck?**
- 8 A I go. I go take the prayer Friday. Yeah, I take the
- 9 prayer Friday.
- 10 **Q Friday evening?**
- 11 A Yes.
- 12 **Q At night?**
- 13 A Yeah.
- 14 **Q Yeah. So that's Islam; right?**
- 15 A That's what -- I am the Muslim.
- 16 **Q You are Muslim?**
- 17 A Yeah. When I go take the prayer, I go take the prayer.
- 18 **Q Right.**
- 19 A Yes.
- 20 **Q So, and what about -- let's see.**
- 21 **Do you sell -- do you fast on Ramadan?**
- 22 A Yes. I am fasting on Ramadan, yes.
- 23 **Q You fast on Ramadan. Okay.**
- 24 **So I'm going to ask you, you know, there are a**
- 25 **lot of people belong to lots of different religions. And**

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1 some people are more religious than others. Some people  
2 take their religion very seriously. Some people --  
3 there's degrees of how religious people are.

4 Do you understand what I mean? Some people are  
5 very religious, and some less religious, and some not too  
6 religious.

7 A I don't understand that one.

8 Q You don't understand that.

9 Okay. If I ask you something on a scale of one  
10 to ten, do you know what means?

11 I'm asking you on a scale of one to ten, with  
12 one being low and ten being high --

13 A Okay.

14 Q -- how religious are you regarding being a Muslim? One,  
15 low? Or ten, high? Or something in between?

16 MR. MEROUEH: Objection. I think that's -- I  
17 think that's a question that --

18 MR. SUSSELMAN: How devote he is. I want to  
19 know how devote he is.

20 MR. MEROUEH: Right. And what scale exactly,  
21 it's not --

22 MR. SUSSELMAN: Well, I would use the word  
23 "devote," but I'm not sure -- you know what I'm saying?

24 MR. MEROUEH: Right. So exactly. I think this  
25 one would be lost in translation. Exactly.

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1 religious I am, I could give them an answer. I think you  
2 could too.

3 MR. MEROUEH: Sure. But I think here it might  
4 be lost in translation. But try.

5 MR. SUSSELMAN: I'm going to try.

6 MR. MEROUEH: I'm objecting. Put it on the  
7 record. But go ahead.

8 BY MR. SUSSELMAN:

9 Q Do you know what the word "devote" means?

10 A No.

11 Q "No." Do you attend the Friday -- do you attend services  
12 every Friday night?

13 A "Every Friday night?"

14 Q Every Friday night at the mosque?

15 A When I go to the prayer, I go to the mosque, or take the  
16 prayer my home. If I take the prayer --

17 Q Did you say "prayer"?

18 A Prayer, yeah. When I --

19 Q You take the prayer?

20 A If I have time to go to mosque, I go to mosque. If I  
21 don't have time, I do in my house.

22 Q Oh, okay. So you --

23 A I take the prayer. I have my job.

24 Q So you try to pray every Friday night, whether it's in  
25 the mosque or at home?

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1 Because, for example, if somebody wants to say  
2 that, you know, they abide by their religion, and they  
3 say it's ten. But that doesn't exactly answer your  
4 question.

5 MR. SUSSELMAN: Yeah, that would answer part of  
6 it. Yeah, it would.

7 MR. MEROUEH: It would.

8 MR. SUSSELMAN: It doesn't mean that they're  
9 not hypocrites, but, yeah it would answer my question.

10 MR. MEROUEH: I doesn't exactly, no. Because  
11 it could also mean that they believe in their religion at  
12 a time, but it doesn't mean that they exactly are --

13 MR. SUSSELMAN: Adhere to everything when  
14 they're not being watched.

15 MR. MEROUEH: Or whatever.

16 MR. SUSSELMAN: Yeah, I understand.

17 MR. MEROUEH: Even further, that they might not  
18 be as zealous about, you know, their opinions and whatnot  
19 of it.

20 MR. SUSSELMAN: I agree with all that.

21 MR. MEROUEH: Okay. So that's what I'm saying,  
22 on a scale of one to ten --

23 MR. SUSSELMAN: But that doesn't mean --

24 MR. MEROUEH: -- is, maybe, lost.

25 MR. SUSSELMAN: If someone asks me how

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1 A We pray every day.

2 Q You pray every day?

3 A We pray every day. But when I -- if I have time, I go to  
4 the mosque.

5 Q Okay.

6 A If I don't have time, I get a prayer with my job or  
7 anyplace.

8 Q I could be wrong about this. I could be wrong.

9 If you're a religious Muslim, I believe you're  
10 supposed to pray at least three times a day? Three  
11 times?

12 A Five times.

13 Q "Five times." There you go. Okay.

14 Do you pray five times a day?

15 A I pray, yeah.

16 Q You do pray five times a day.

17 And, also, I understand when you pray, you're  
18 supposed to be trying to face Mecca?

19 A Yeah.

20 Q Do you face Mecca when you pray?

21 A Yeah.

22 Q When you go to a mosque, which mosque do you go to?

23 A I got one. I get to pray, I go any mosque.

24 Q Any?

25 A Yeah. If they -- because sometime I am in south

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- 1 Hamtramck, I got many mosque. When I got the time, they  
 2 have a prayer, I go to closest mosque. Any mosque.  
 3 **Q Let me ask you this. If you know, do you know how many**  
 4 **mosques there are in Hamtramck?**  
 5 A I think almost -- they got ten.  
 6 **Q "Ten"?**  
 7 A Yeah.  
 8 **Q And you attend two of them? Two?**  
 9 A No. When I get the pray --  
 10 **Q Yes.**  
 11 A -- if I work close to mosque, I go to the mosque, I take  
 12 the pray. And sometime I don't have time to go to the  
 13 mosque, I take the prayer in my house.  
 14 **Q In your house. I understand.**  
 15 MR. MEROUEH: He said he goes to the closest  
 16 one that he's at.  
 17 MR. SUSSELMAN: Right.  
 18 MR. MEROUEH: So not two.  
 19 MR. SUSSELMAN: All right. Well --  
 20 A All the time.  
 21 BY MR. SUSSELMAN:  
 22 **Q Have you been -- have you attended services at some time**  
 23 **at each of the ten mosques?**  
 24 A Summertime I work with many organization is not Muslim to  
 25 clean the whole community in Hamtramck. Some -- many

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- 1 times. We got 1 o'clock, 4 o'clock, 7 o'clock.  
 2 **Q Yes.**  
 3 A At the time when I have -- I have time this much, I go  
 4 take the prayer, yeah.  
 5 **Q Okay.**  
 6 A Sometimes I don't have time to go to the mosque, I take  
 7 the prayer in my house.  
 8 **Q Very good. Do you know what the word homosexuality is?**  
 9 A I don't understand that one.  
 10 **Q Okay. You're aware, I take it, that in -- some men**  
 11 **engage in sexual relations?**  
 12 **Do you know what sexual relations are?**  
 13 A "Sexual relations?" They know what's going on.  
 14 **Q They --**  
 15 A Sex.  
 16 **Q "Sex." You know what sex is; right?**  
 17 A Yeah. Sex, something bad.  
 18 **Q You know, activity? I mean, you have children; right?**  
 19 **So you know what sex is; right?**  
 20 A Yeah.  
 21 **Q Are you aware that some men engage in sex with other men?**  
 22 A I don't see in my face.  
 23 **Q I know.**  
 24 A I don't see.  
 25 **Q But you're aware that some people -- some men do that;**

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- 1 area. Yeah, how I serve the community.  
 2 **Q No. I know. But that's not --**  
 3 A I do some cleaning.  
 4 **Q You clean?**  
 5 A Yeah.  
 6 **Q That's fine. You indicated there were ten mosques --**  
 7 A Yeah.  
 8 **Q -- in Hamtramck?**  
 9 A Yeah.  
 10 **Q My question is have you, at some time, attended a Friday**  
 11 **night service at each of those ten mosques?**  
 12 A No.  
 13 **Q Your answer is "No"? You're shaking your head "No."**  
 14 A I don't know.  
 15 **Q You're shaking your head "No"?**  
 16 A I don't understand what the answer for that one.  
 17 **Q You don't understand the question?**  
 18 A Yeah. I got ten mosques --  
 19 **Q Can you estimate how many different mosques you've**  
 20 **attended services at?**  
 21 A Service? What is service?  
 22 **Q Well, you pray. Where you pray.**  
 23 A Yeah.  
 24 **Q Have you prayed --**  
 25 A When they get the prayer, the time, afternoon, three

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- 1 **right?**  
 2 A I don't know.  
 3 **Q You're aware of that?**  
 4 A I don't know. Some people they talking about that. I  
 5 don't know. I didn't see. I didn't see it.  
 6 **Q I didn't ask you if you saw them.**  
 7 **You're aware that it happens?**  
 8 A I guess, you know, I see some, close my face. It's  
 9 California, not Michigan.  
 10 When I go over there for some vacation, some  
 11 people they show me over there. But here I don't see  
 12 anything --  
 13 **Q I'm not asking if you saw it. You know, I'm not asking**  
 14 **if you saw it.**  
 15 **I'm asking if you're aware that when you're not**  
 16 **looking, some people do that?**  
 17 A I don't know.  
 18 **Q You don't know?**  
 19 A I don't know.  
 20 **Q And, also, there are some women who have sexual relations**  
 21 **or intimate relations with other women. Are you aware of**  
 22 **that?**  
 23 A I don't know that one.  
 24 **Q You don't know that?**  
 25 A (Witness shakes head no.)

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- 1 **Q** So you said -- what does the pride flag mean to you?
- 2 A Pride flag? The gay flag?
- 3 **Q** The gay flag, what does it mean?
- 4 A The gay flag?
- 5 **Q** What does it represent?
- 6 A I don't know.
- 7 **Q** You don't know?
- 8 A I don't know.
- 9 MR. MEROUEH: He's entitled not to know.
- 10 A I don't know.
- 11 MR. SUSSELMAN: If he didn't know -- this is
- 12 off the record.
- 13 (Discussion continued off the record.)
- 14 A Yes.
- 15 BY MR. SUSSELMAN:
- 16 **Q** You identify the pride flag as the gay flag. What does
- 17 the word gay mean to you? What does it mean?
- 18 A Gay flag is a gay.
- 19 **Q** Is a gay, yes.
- 20 A Yeah. Gay, we don't accept this gay.
- 21 **Q** Yes.
- 22 A You accept anything in your family gonna be gay? Do you
- 23 accept anything in your family --
- 24 **Q** I would hope if I had -- and this is -- I would hope if I
- 25 had a relative --

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- 1 **Q** So if the gay flag --
- 2 A Yeah.
- 3 **Q** -- means that people who identify -- who claim to be gay
- 4 in their personal lives, can express being gay if they do
- 5 it privately, from what you said, it seems to me you
- 6 shouldn't care if they do it privately; is that true?
- 7 A That's when I have the gay flag --
- 8 MR. MEROUEH: Objection. Compound question
- 9 there.
- 10 MR. SUSSELMAN: Everything's compound.
- 11 MR. MEROUEH: I know. That was too far.
- 12 I'm giving you some leeway, Marc, but that was
- 13 quite compound.
- 14 MR. SUSSELMAN: I'm trying to get -- no,
- 15 really. I just -- this is an important question.
- 16 MR. MEROUEH: I understand, but you --
- 17 MR. SUSSELMAN: I have to have an answer, what
- 18 it is --
- 19 MR. MEROUEH: There were seven parts to that
- 20 question. So I'm just saying make it more succinct,
- 21 please.
- 22 BY MR. SUSSELMAN:
- 23 **Q** So you don't accept --
- 24 A Me, personality, me and my family, I don't accept.
- 25 **Q** If you had a son who identified as gay, what would you

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- 1 A Me and my personal family, I don't accept that one.
- 2 **Q** You don't accept it?
- 3 A I don't accept, yeah.
- 4 **Q** I got it. Why don't you accept it?
- 5 What is it about gay people that you don't
- 6 accept, other than they walk around naked?
- 7 A Some bad. It's not good for me. Me and my family, it's
- 8 not good.
- 9 **Q** What is not good about it? What do they do that you
- 10 don't think is good?
- 11 A Some -- do you accept -- I guess, do you accept -- you
- 12 are --
- 13 **Q** You don't ask me questions.
- 14 A Yeah.
- 15 **Q** I'm sorry.
- 16 A Okay.
- 17 **Q** I'm asking you questions.
- 18 A Yes. For me, this issue is not good. Me and my family,
- 19 is not good.
- 20 If some people, they want to do that one,
- 21 that's his personal opinion.
- 22 **Q** Right.
- 23 A I'm going to say why, stop. It's not stop.
- 24 I guess, for my family something is not good,
- 25 gay.

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- 1 do?
- 2 MR. MEROUEH: Objection.
- 3 A That's his person. Me, I don't accept that one. But if
- 4 my son, they want to do that one, that's his problem.
- 5 It's not my problem.
- 6 BY MR. SUSSELMAN:
- 7 **Q** Would you still love him?
- 8 A If he's over 18, he can go and get out of my house.
- 9 **Q** Would you tell him to leave?
- 10 A If he's over 18. If he's over 18.
- 11 **Q** Yes.
- 12 A But under 18, I have to talk to him through if the thing
- 13 is good, is not good. Me, we don't accept this issue.
- 14 **Q** Okay.
- 15 A Yeah.
- 16 **Q** So if you had --
- 17 A But if he is over 18, he want to do that one, that's
- 18 his --
- 19 **Q** And if you had a son over 18 who told you "I'm gay," you
- 20 would tell him to leave?
- 21 A They can't stay. They can't stay with me --
- 22 **Q** Sure. Okay.
- 23 A -- he's over 18.
- 24 **Q** But would you -- would you want him to leave?
- 25 A No. If he's over 18, he want to use this issue, he's

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- 1 going to stay separate. He's going to move separate  
2 house.  
3 **Q So you'd want him separate?**  
4 A Yes.  
5 **Q Would you welcome for -- during Ramadan, would he be**  
6 **welcome in your house?**  
7 A I think --  
8 MR. MEROUEH: Objection. Speculation.  
9 A I think that's his person. I don't know. I don't see  
10 people like that.  
11 BY MR. SUSSELMAN:  
12 **Q What do you mean you don't see?**  
13 A I don't see like -- people like gay, and they go to the  
14 mosque and they go fast Ramadan. I don't know. I don't  
15 see that one before.  
16 **Q Well, you wouldn't know what they do in their private**  
17 **lives.**  
18 A I don't see.  
19 **Q You mean you haven't seen it?**  
20 A No, I haven't. I haven't seen.  
21 **Q So there may be gay people at a mosque that you attend;**  
22 **right?**  
23 A I don't see people, even Muslim, is not Muslim. I don't  
24 see it.  
25 **Q In the Islam religion, in the Muslim religion, how does**

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- 1 expert how Islam, in general --  
2 MR. SUSSELMAN: Yes.  
3 MR. MEROUEH: -- views homosexuality?  
4 MR. SUSSELMAN: Yes.  
5 MR. MEROUEH: Find somebody that's written a  
6 paper on it or something. He's not the one to ask that.  
7 MR. SUSSELMAN: I'm going to ask him.  
8 MR. MEROUEH: Absolutely. You have the right.  
9 BY MR. SUSSELMAN:  
10 **Q Let me ask you. What is Islam about?**  
11 **The Muslim religion, what can you tell me about**  
12 **what you know about it?**  
13 A I don't know. Islam -- Islam is like other religion.  
14 **Q I understand it's your religion.**  
15 **When you go to Friday service at a mosque --**  
16 A Um-hmm.  
17 **Q -- and you pray; right? You bend down --**  
18 A Yes.  
19 **Q -- right? And you recite a prayer in Arabic; correct?**  
20 A Yes. In Arabic, yeah. Something is going to be better.  
21 But in English is confusing.  
22 **Q Can you translate -- can you translate your prayers into**  
23 **English or not?**  
24 A I don't know.  
25 **Q You don't know. You only know them in Arabic?**

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- 1 **the Muslim religion view or regard men having intimate**  
2 **relations, sex, with other men?**  
3 MR. MEROUEH: Objection. He is not an Imam or  
4 scholar of any kind, so he can't --  
5 MR. SUSSELMAN: Well, no. No. What's your  
6 objection?  
7 MR. MEROUEH: My objection is that he's not --  
8 MR. SUSSELMAN: He's not capable of answering?  
9 Are you saying it's not relevant?  
10 MR. MEROUEH: I think it would be -- yeah, it  
11 would be irrelevant.  
12 MR. SUSSELMAN: Well, let him answer it. If he  
13 can't answer it, he can't answer.  
14 MR. MEROUEH: Stop --  
15 MR. SUSSELMAN: You're making objections that  
16 are, really, not --  
17 MR. MEROUEH: I'm not stopping him from  
18 answering. I'm making an objection.  
19 MR. SUSSELMAN: Well, you have to give a basis  
20 for your objection.  
21 MR. MEROUEH: I told you, he's not an expert on  
22 this topic.  
23 MR. SUSSELMAN: So you think it requires an  
24 expert?  
25 MR. MEROUEH: Yeah. I would think you need an

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- 1 A Arabic. It's only Arabic.  
2 **Q So in Islam, Allah -- you know Allah?**  
3 A Allah is God.  
4 **Q "Allah is God"?**  
5 A He's God for everybody.  
6 **Q Right. And, also, in Islam there are, like, rules that**  
7 **you're supposed to obey; correct? Rules?**  
8 A What is this? I don't understand.  
9 **Q Well, like, when you drive your car, there are rules**  
10 **about what you're supposed to do as you drive; correct?**  
11 **What to do when you see a red light. What you're**  
12 **supposed to do when you want to make a left turn. Those**  
13 **are rules.**  
14 A Okay.  
15 **Q Does Islam have rules? Not about driving, but about**  
16 **other things?**  
17 A I don't understand.  
18 **Q Do you eat halal? You know what halal is?**  
19 A Yeah. We eat halal, yes.  
20 **Q You eat halal?**  
21 A Yes.  
22 **Q What is halal meat?**  
23 A Halal meat is a meat -- halal is a beef.  
24 **Q Yes.**  
25 A Beef, chicken and fish.

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- 1 Q And why is it halal? What makes it halal?
- 2 A That's what I -- I see that one is -- something else
- 3 halal, fish, beef, and chicken. That's it.
- 4 Q Do you buy halal meat at a store?
- 5 A Halal meat?
- 6 Q Yes. You buy it?
- 7 A I buy halal meat. They got some fresh.
- 8 Q Yes.
- 9 A Yeah.
- 10 Q Do you know what they have done to make it halal? Why is
- 11 it halal?
- 12 MR. MEROUEH: Objection. Asked and answered.
- 13 MR. SUSSELMAN: No. Well, I don't think so.
- 14 A I don't know.
- 15 BY MR. SUSSELMAN:
- 16 Q What makes it halal? What have they done to make it
- 17 halal?
- 18 Do you eat -- you don't eat pork; right?
- 19 A Pork, no.
- 20 Q You don't eat pork?
- 21 A No.
- 22 Q Do you know why you don't eat pork?
- 23 A Pork is not good.
- 24 Q "Not good?"
- 25 A Yeah.

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- 1 A Yeah. For me, it's not good.
- 2 Q Because you're Muslim; right?
- 3 A Muslim -- is not Muslim.
- 4 MR. MEROUEH: Objection.
- 5 A Muslim is not Muslim. Pork is not good for everyone.
- 6 BY MR. SUSSELMAN:
- 7 Q Pork is not good for everyone?
- 8 A Yeah. When I see the people, it's not good for everyone.
- 9 I don't see people that eat pork. I don't see it.
- 10 Q Okay. You know that a lot of people eat pork who are not
- 11 Muslim?
- 12 A I don't see them.
- 13 Q You haven't seen them?
- 14 A I don't see them.
- 15 Q Okay. But you know they do it anyway, even if you
- 16 haven't seen it?
- 17 A I don't know.
- 18 Q You don't know?
- 19 A Yeah. I don't know. I didn't see. I live in Hamtramck.
- 20 I didn't go somewhere.
- 21 MR. MEROUEH: He's not kidding. He stays in
- 22 Hamtramck.
- 23 A I live in Hamtramck and I stay there.
- 24 BY MR. SUSSELMAN:
- 25 Q But I guess I want to try and get an answer.

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- 1 Q And in Islam there's a rule, right, about not eating
- 2 pork? A rule?
- 3 A Um-hmm.
- 4 Q Right. Now, do you understand what a rule is?
- 5 A Pork. I don't eat pork.
- 6 Q Why?
- 7 A It's not good. It's not good.
- 8 Q Who says it's not good?
- 9 A Pork is not good.
- 10 Q Who says it's not good?
- 11 A Yeah.
- 12 Q How do you know it's not good?
- 13 A A lot of people they say that one. A lot.
- 14 Q "A lot of people." A lot of people who are Muslim?
- 15 A Not Muslim. The other people. At the restaurant, I
- 16 don't understand, they say: This is a beef; this is a
- 17 chicken; this is a pork, this is not good. A lot of --
- 18 Q The restaurant tells you that?
- 19 A The restaurant.
- 20 Q The restaurant tells you the pork is not good?
- 21 A Yeah.
- 22 Q Okay. But somehow you believe it's not good? Any pork
- 23 is not good?
- 24 A Pork, for me, is not good for me.
- 25 Q Because you're Muslim? Is it because you're Muslim?

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- 1 You understand that -- yeah. Islam says eating
- 2 pork is bad for everybody, is that what you understand?
- 3 It's bad for everybody?
- 4 A I didn't see something in the Islam as a -- I heard the
- 5 pork is not good. Pork is not good.
- 6 Q And who told you that?
- 7 MR. MEROUEH: Objection. Asked and answered.
- 8 BY MR. SUSSELMAN:
- 9 Q Did they tell you that -- when you go to the mosque, has
- 10 anybody at the mosque told you that pork is not good?
- 11 A No, nobody told me at the mosque.
- 12 Q So are you telling me that you're not aware that there's
- 13 a rule -- a rule in Islam that people, in general, but
- 14 including Muslims, should not eat pork?
- 15 You're not aware that there's such a rule in
- 16 Islam? In Muslim?
- 17 A I don't know.
- 18 Q You don't know?
- 19 A I don't understand this question.
- 20 Q Let me -- how else do you practice Islam? What else do
- 21 you do?
- 22 A I take the prayer.
- 23 Q You take the prayer?
- 24 A Yeah. I just tell God save my family, save my --
- 25 Q Allah to save your family?

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- 1 A Yeah.
- 2 **Q But what about Ramadan, you don't eat, correct, during**
- 3 **the day?**
- 4 A If the people are sick --
- 5 **Q Yeah.**
- 6 A If people are sick, they can eat.
- 7 **Q They can. But if they're not sick and they're Muslim?**
- 8 A Not sick except the person. Some person, whatever they
- 9 want.
- 10 But if you want to pray, fasting is healthy, do
- 11 it. If it's not healthy, that's accept the person. I
- 12 can't ask the people why they're fasting.
- 13 **Q Do you fast at Ramadan --**
- 14 A Yes.
- 15 **Q -- when you're healthy?**
- 16 A Yeah.
- 17 **Q And why do you fast?**
- 18 A They fast. Fast is healthy for me. Make me healthy.
- 19 **Q Make you healthy?**
- 20 A Yeah, make me healthy.
- 21 **Q I'm sure it does.**
- 22 **You don't know the connection between fasting**
- 23 **and Islam?**
- 24 A No.
- 25 **Q You don't know?**

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- 1 **Q The Arabic language?**
- 2 A Yeah.
- 3 **Q Anything else?**
- 4 A English, they going to be the high school. We going to
- 5 learn English after the middle school. They start
- 6 English and Arabic.
- 7 **Q Did you read books?**
- 8 A No.
- 9 **Q You didn't read books in school --**
- 10 A No.
- 11 **Q -- in Arabic?**
- 12 A Yeah.
- 13 **Q Books?**
- 14 A Back home, not here.
- 15 **Q No. In Yemen you read books --**
- 16 A Yeah, books.
- 17 **Q -- in school?**
- 18 A Books. Book and for school is for kids. The kids is
- 19 different. It's not the high school.
- 20 **Q In high school -- you didn't go to high school?**
- 21 A I didn't go to high school.
- 22 **Q But you don't believe they don't have books in the high**
- 23 **school in Yemen?**
- 24 MR. MEROUEH: That's not what he said. He
- 25 said --

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- 1 A No.
- 2 **Q I'm going to ask you.**
- 3 MR. MEROUEH: I'm not sure he understands the
- 4 question.
- 5 MR. SUSSELMAN: Okay.
- 6 BY MR. SUSSELMAN:
- 7 **Q You lived in Yemen. There are schools where young people**
- 8 **go of many religions. They go to a religious school to**
- 9 **learn about their religion. Christians do it. Muslims**
- 10 **do it, too.**
- 11 **When you lived in Yemen, did you go to a**
- 12 **religious school to learn about Islam?**
- 13 A When I go to school in Yemen, I go only middle school.
- 14 My dad, he passed away almost 40 years.
- 15 **Q I'm sorry.**
- 16 A Yeah.
- 17 **Q But what did you do in the school?**
- 18 A I go to the middle school in Arabic.
- 19 **Q What subjects did you have?**
- 20 **Do you know what "subjects" are?**
- 21 A I don't understand that one.
- 22 **Q You don't know what subjects are?**
- 23 A No.
- 24 **Q What did you learn in middle school?**
- 25 A Some Arabic. Some Arabic --

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- 1 MR. SUSSELMAN: I'm not sure --
- 2 MR. MEROUEH: He said the more complicated
- 3 books would be in high school. He read children's books.
- 4 MR. SUSSELMAN: Oh, okay.
- 5 A Yeah.
- 6 BY MR. SUSSELMAN:
- 7 **Q And the children's books, they were in Arabic; right?**
- 8 **They were in Arabic?**
- 9 A In Arabic, yes.
- 10 **Q Did any of them tell you about the religion?**
- 11 A (Witness shakes head no.)
- 12 **Q Do you know who Imam Saleh Algahim is? Do you know Saleh**
- 13 **Algahim?**
- 14 A Yeah. I know this guy Saleh Algahem. He's president of
- 15 the mosque in Detroit.
- 16 **Q Have you ever attended services at his mosque?**
- 17 A No.
- 18 **Q Do you know what he looks like?**
- 19 A He's a president of the mosque. He's a president of
- 20 mosque.
- 21 **Q President of the mosque?**
- 22 A Yeah.
- 23 **Q In Detroit?**
- 24 A Yeah.
- 25 **Q But have you seen him in Hamtramck?**

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- 1 A They go -- a lot of family live in Hamtramck.  
 2 **Q A lot of his family lives in Hamtramck?**  
 3 A Yeah.  
 4 **Q Have you ever seen him at a mosque in Hamtramck?**  
 5 A At the time when we have the pray, like, when I have time  
 6 when they take the pray afternoon, and I am close to  
 7 mosque, we go take the pray.  
 8 **Q I understand. But have you seen Saleh Algahem at a**  
 9 **mosque when you were there at a mosque?**  
 10 A Many time.  
 11 **Q Many times he was there. Okay.**  
 12 **Okay. Have you ever talked to him? Have you**  
 13 **talked to him?**  
 14 A For what?  
 15 **Q I'm just asking have you ever talked to him?**  
 16 A If they have something to talk with him, but I don't have  
 17 anything. I go take the prayer. A lot of people take  
 18 the prayer and go.  
 19 **Q Right. So are you saying that you've never talked to**  
 20 **him?**  
 21 A No.  
 22 **Q Never talked to him?**  
 23 A I don't have anything to talk with him. Never talked to  
 24 him.  
 25 **Q So you're Muslim. You know there -- right? You're**

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- 1 **Muslim?**  
 2 A Yes.  
 3 **Q You know there are other religions in the world besides**  
 4 **Muslim; right? You know there's Christianity. There's**  
 5 **Hinduism.**  
 6 A Hindus, yeah, I have some Hindus.  
 7 **Q Buddhism?**  
 8 A Buddhism, yeah.  
 9 **Q Judaism? You've heard of those?**  
 10 A Yeah.  
 11 **Q They have their own religious leaders; right? Rabbis,**  
 12 **priests; right? There are priests in Christianity?**  
 13 **Do you know what -- Catholicism, are you**  
 14 **familiar with that? The word Catholicism?**  
 15 A No.  
 16 **Q Do you know what a priest is in Christianity?**  
 17 A (Witness shakes head no.)  
 18 **Q Do you know what a rabbi is?**  
 19 A No.  
 20 **Q You don't know Rabbis?**  
 21 A (Witness shakes head no.)  
 22 **Q Have you ever had any discussion, talk, conversation with**  
 23 **anybody about the gay flag?**  
 24 A (Witness shakes head no.)  
 25 **Q "No." Never?**

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- 1 A Nobody talk to me. Because I work in[sic] myself and all  
 2 my property. I don't have -- nobody talk to me for  
 3 anything.  
 4 **Q I know. But you talk to people in Hamtramck. You meet**  
 5 **people.**  
 6 A We talk to people to help the people serve the community  
 7 for something to make help, but we didn't -- we didn't  
 8 talk for anything --  
 9 **Q Okay. So you're saying you never spoke to anybody --**  
 10 **A No.**  
 11 **Q -- about the gay flag?**  
 12 A Nobody talk to me.  
 13 **Q Nobody who hires you for work? No coworkers?**  
 14 A No.  
 15 **Q No residents on the street of Hamtramck?**  
 16 A Nobody talk to me for this issue.  
 17 MR. SUSSELMAN: I need to use the bathroom.  
 18 MR. MEROUEH: Actually, me to.  
 19 (Recess at 11:17 a.m.)  
 20 ---  
 21 (Resumed at 11:18 a.m.)  
 22 BY MR. SUSSELMAN:  
 23 **Q Mr. Alsomari, I'm going to ask you a question.**  
 24 **You've campaigned for City Council. You know**  
 25 **what campaigning means? You ran for office?**

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- 1 A Yeah.  
 2 **Q You ran, like, three times?**  
 3 A Yeah.  
 4 **Q And you won the third time?**  
 5 A Yes.  
 6 **Q When you ran for office, did you give speeches?**  
 7 A Speech?  
 8 **Q Yeah. How did you get people to vote for you?**  
 9 A I go house to house, give them my cards. I tell them I  
 10 run for the City Council tourism[sic] for the whole  
 11 community. I make the city better.  
 12 **Q And that's all you did to campaign?**  
 13 A Yes.  
 14 **Q Do you know -- there were no debates?**  
 15 **Do you know what a debate is?**  
 16 A No.  
 17 **Q No debates. And you didn't have any speeches where all**  
 18 **the City Council gave speeches; vote for me? You didn't**  
 19 **have to do that?**  
 20 A No. I go to the house.  
 21 **Q To the house?**  
 22 A I give them my cards. I go house to house, I give them  
 23 my card. I'm running to the City Council.  
 24 **Q That's all you did?**  
 25 A Yeah.

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- 1 **Q You went house to house, that was all you did?**  
 2 A Yeah. People, they know me when I work in the City  
 3 Council when I work in the community, clean up to help  
 4 the people. Some people, they know me. Some people, no,  
 5 they don't vote for me.  
 6 **Q How many people ran against you when you ran? How many**  
 7 **opponents did you have?**  
 8 MR. MEROUEH: Objection. You're not specifying  
 9 which -- he said he ran four times.  
 10 BY MR. SUSSELMAN:  
 11 **Q When you won, the one time you won, the last time.**  
 12 MR. MEROUEH: He won twice.  
 13 A The last time?  
 14 BY MR. SUSSELMAN:  
 15 **Q How many people -- how many opponents ran against you?**  
 16 MR. MEROUEH: Wait. Again, we're not -- he's  
 17 won twice, so which time?  
 18 BY MR. SUSSELMAN:  
 19 **Q The first time that you won.**  
 20 MR. MEROUEH: All right. There we go.  
 21 A The first time when I won?  
 22 BY MR. SUSSELMAN:  
 23 **Q Yeah.**  
 24 A I think six people. The three people -- three people,  
 25 they won. And the first time, three people they won and

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- 1 three people they lost.  
 2 I am from the three people they lost general  
 3 election.  
 4 **Q On the first time you won, you came in -- you got the**  
 5 **most votes? You got the most votes?**  
 6 A No. I get number -- the first time when I won, I get  
 7 number 6. And general election, I get number -- number  
 8 five. I didn't won, because they have three people, they  
 9 got --  
 10 MR. MEROUEH: I think there's a  
 11 miscommunication.  
 12 BY MR. SUSSELMAN:  
 13 **Q Not the first time you ran, but the first time you won?**  
 14 MR. MEROUEH: 2019.  
 15 BY MR. SUSSELMAN:  
 16 **Q 2019 when you won, did you have the most votes of all the**  
 17 **candidates?**  
 18 A The primary. The primary I get the high vote.  
 19 **Q And, then, there was a general election?**  
 20 A General election I come number five.  
 21 **Q Number five?**  
 22 A Number three. Number three.  
 23 **Q When you won, w-o-n.**  
 24 MR. MEROUEH: He said number three. He got it.  
 25

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- 1 BY MR. SUSSELMAN:  
 2 **Q Number three?**  
 3 A Number three.  
 4 **Q So they elected three people -- all three of you?**  
 5 A Yes, only three because there is three seat is empty  
 6 every two years. They got three seat empty.  
 7 General election they have six people; three  
 8 they won and three they get out.  
 9 **Q And are those other two -- the other two on City Council**  
 10 **now?**  
 11 A Yeah.  
 12 **Q They're both on City Council?**  
 13 A Yeah.  
 14 **Q Who are the other two?**  
 15 A I work -- Niam is -- get out last time.  
 16 MR. MEROUEH: Choudhury.  
 17 A Yeah. And Hassan is still there.  
 18 BY MR. SUSSELMAN:  
 19 **Q Okay. All right.**  
 20 **(Exhibit 19 was marked for identification.)**  
 21 BY MR. SUSSELMAN:  
 22 **Q I'm going to show you Exhibit 19.**  
 23 MR. MEROUEH: (Translating for witness.)  
 24 Are you going to read it to him?  
 25 MR. SUSSELMAN: I'll try.

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- 1 MR. MEROUEH: You want me to read it to him?  
 2 His own answer, if you could.  
 3 I'll read it to him. I don't want to --  
 4 MR. SUSSELMAN: Yeah. Okay.  
 5 MR. MEROUEH: Go ahead.  
 6 BY MR. SUSSELMAN:  
 7 **Q Well, this is an exhibit.**  
 8 A Okay.  
 9 **Q Could you turn to -- yeah. It's page 10. See the page**  
 10 **numbers at the bottom?**  
 11 MR. MEROUEH: That's not him. Oh, his  
 12 signature you're doing?  
 13 MR. SUSSELMAN: Yeah. Yeah.  
 14 MR. MEROUEH: Oh, okay.  
 15 BY MR. SUSSELMAN:  
 16 **Q Bottom of page 10.**  
 17 A Uh-huh.  
 18 **Q Is that your signature that's on page 10? Next page?**  
 19 A That's one?  
 20 **Q No. Before that, I think. Give it to me, I'll get it**  
 21 **for you. Here we go.**  
 22 **Is this your signature? The second signature,**  
 23 **is that your signature?**  
 24 A Yes.  
 25 **Q That's your signature?**

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- 1 A Yes.
- 2 **Q Okay. Do you remember when you signed this?**
- 3 A One week ago, or two week.
- 4 **Q Was it at a City Council meeting --**
- 5 A Yes.
- 6 **Q -- you signed this?**
- 7 A Yeah.
- 8 **Q It's dated August 13th.**
- 9 A Yes.
- 10 **Q Okay. Did you write out your answers before you were**
- 11 **given this? Did you write out answers?**
- 12 A I just signed. I just signed.
- 13 **Q You just signed, that's all you did?**
- 14 A Yeah.
- 15 **Q So was this given to you?**
- 16 A I see that one.
- 17 **Q Yeah. This whole document, was this given to you --**
- 18 A No, I didn't have the whole document.
- 19 **Q -- at the City Council meeting?**
- 20 Wait a minute. Are you saying when you signed
- 21 **that page, is that the only page you had?**
- 22 A Yes.
- 23 **Q Do you understand what I'm saying?**
- 24 A (Witness nods head yes.)
- 25 **Q When you signed this, you had not -- you did not receive**

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- 1 MR. SUSSELMAN: Yeah.
- 2 BY MR. SUSSELMAN:
- 3 **Q Turn to page 7. The bottom of page 7.**
- 4 A Uh-huh.
- 5 **Q Mr. Alsomari, let me ask you.**
- 6 Can you read that English? That question in
- 7 **English, can you read it?**
- 8 A If I read, I need the glass[sic], and I don't know
- 9 exactly.
- 10 **Q You need glasses --**
- 11 A No.
- 12 **Q -- is that what you're saying?**
- 13 A I need the glass, but if I read, I just read my name.
- 14 But other question, I need his help for that one.
- 15 **Q You needed help?**
- 16 A Um-hmm.
- 17 **Q Did Mr. Meroueh read this question to you?**
- 18 A Who?
- 19 **Q This gentleman here, did he read any question to you?**
- 20 MR. MEROUEH: Read the question to him. He
- 21 doesn't know what the question is.
- 22 MR. SUSSELMAN: Well, okay.
- 23 BY MR. SUSSELMAN:
- 24 **Q This is what the question asks. I wrote this.**
- 25 A Okay.

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- 1 **the other pages with it?**
- 2 A I didn't see it.
- 3 **Q You did not see them?**
- 4 A (Witness shakes head no.)
- 5 MR. MEROUEH: Again, he can't read, so I have
- 6 to communicate to him what was said.
- 7 Marc, I explained this several times. He's the
- 8 one that communicated to me what was said. I
- 9 communicated back. Here's what is written. So there you
- 10 go.
- 11 MR. SUSSELMAN: Ah, well, that's different.
- 12 BY MR. SUSSELMAN:
- 13 **Q Mr. Alsomari, in this document there are several**
- 14 **questions. You know what questions are; right?**
- 15 A Um-hmm.
- 16 **Q Before you signed -- before you signed that page, did you**
- 17 **give your answers verbally before you signed it?**
- 18 A I just signed the paper.
- 19 MR. MEROUEH: You want me to try to translate,
- 20 or no?
- 21 MR. SUSSELMAN: No, not yet. I'm trying to
- 22 figure out how this was done.
- 23 MR. MEROUEH: Read him the questions so he can
- 24 refresh his recollection as to what questions you were
- 25 asking.

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- 1 **Q "Did Council Member Mohammed**
- 2 **Alsomari at any time after the**
- 3 **pride flag issue arose in the City**
- 4 **of Hamtramck, have any verbal**
- 5 **communication or conversation,**
- 6 **including any communication in**
- 7 **person or by any mechanical device,**
- 8 **including by telephone, with anyone --**
- 9 **It's a long question.**
- 10 **-- "including any resident or**
- 11 **nonresident of Hamtramck, including**
- 12 **Mayor Ghaleb, or any other member of**
- 13 **the Hamtramck City Council or other**
- 14 **Hamtramck government official, and**
- 15 **including any religious leader of**
- 16 **any religious denomination whether a**
- 17 **resident or nonresident of Hamtramck**
- 18 **regarding any of the following subjects."**
- 19 **The question is about this. The first subject**
- 20 **was:**
- 21 **"(a) about intimate or sexual**
- 22 **relations between members of the**
- 23 **same gender."**
- 24 **Do you understand what that question is?**
- 25 A No. I don't understand.

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1 MR. MEROUEH: Can I refresh his recollection?  
 2 MR. SUSSELMAN: Yeah, go ahead.  
 3 MR. MEROUEH: Thank you. Remember Councilman  
 4 when I asked you the questions about number 1, whether --  
 5 who you've spoken to about gay sex, man to man, woman to  
 6 woman, if you ever spoke about gay sex to anybody?  
 7 And, then, the other part of the question was  
 8 who did you talk to about the pride flag, if you talked  
 9 to anybody about the pride flag?  
 10 A I didn't --  
 11 MR. MEROUEH: And then you said it's not polite  
 12 to be talking about gay sex.  
 13 A Nobody talk me that one. And I do -- I didn't talk with  
 14 the people for some gay sex or something.  
 15 MR. MEROUEH: Right. But for the pride flag  
 16 you said, "I spoke with members of the community --"  
 17 MR. SUSSELMAN: No. No. We're getting ahead.  
 18 MR. MEROUEH: All right. Go ahead.  
 19 BY MR. SUSSELMAN:  
 20 **Q So I want to make sure I understand this.**  
 21 **You can't -- you don't understand the question**  
 22 **in English so you needed help; right?**  
 23 A (Witness nods head yes.)  
 24 **Q Are you saying -- did you give your answer to part A**  
 25 **about whether you've had communications with anybody**

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1 writing, anything about gay sex?  
 2 A No.  
 3 MR. MEROUEH: And then the same question --  
 4 MR. SUSSELMAN: All right. Stop.  
 5 MR. MEROUEH: Okay.  
 6 BY MR. SUSSELMAN:  
 7 **Q Okay. So is that what -- did you say "No" when you were**  
 8 **asked that? Is that what you said, "No"?**  
 9 A I didn't say "No." I didn't speak with the people. I  
 10 didn't speak with the people for this issue. Nobody can  
 11 bother me for this issue because people, they bother  
 12 me --  
 13 **Q That's not quite what that answer says. It says a lot**  
 14 **more than that.**  
 15 MR. MEROUEH: That's what he told me.  
 16 MR. SUSSELMAN: Well --  
 17 BY MR. SUSSELMAN:  
 18 **Q Did you tell -- well, I can't ask you that.**  
 19 MR. MEROUEH: I can ask it. I want to ask it.  
 20 MR. SUSSELMAN: What?  
 21 MR. MEROUEH: This is what he told me. I don't  
 22 care asking him. I didn't do anything wrong here, Marc.  
 23 I know you're trying to figure it out, but I didn't do  
 24 nothing wrong.  
 25 MR. SUSSELMAN: Well, it's rather curious --

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1 **about intimate or sexual relations between members of the**  
 2 **same gender, was that read to you and told to you in**  
 3 **Arabic? You understand that in English?**  
 4 A I don't understand in English.  
 5 **Q So that was told to you in Arabic; right?**  
 6 A (Witness nods head yes.)  
 7 **Q By Mr. Meroueh; right?**  
 8 **And, then, did you give him -- did you give him**  
 9 **an answer in Arabic?**  
 10 MR. MEROUEH: No, actually.  
 11 A I don't understand for that one.  
 12 BY MR. SUSSELMAN:  
 13 **Q You don't understand the question?**  
 14 A No.  
 15 MR. MEROUEH: He doesn't understand your  
 16 question.  
 17 MR. SUSSELMAN: Yeah.  
 18 MR. MEROUEH: Can I --  
 19 MR. SUSSELMAN: Just ask him question A in  
 20 Arabic, that's it. Just stop there.  
 21 MR. MEROUEH: Okay. Have you spoken -- no, I  
 22 can ask him in English. Just I got to break it down for  
 23 him in a different way.  
 24 Have you spoken to anybody, whether the Mayor,  
 25 Council, resident, not resident, phone, not phone,

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1 MR. MEROUEH: I didn't do nothing wrong. You  
 2 see how this deposition has gone; right? So I had to get  
 3 the information --  
 4 MR. SUSSELMAN: But we'll get to the  
 5 witness's --  
 6 MR. MEROUEH: If you want me to --  
 7 MR. SUSSELMAN: Are you telling me that none of  
 8 the --  
 9 MR. MEROUEH: Do you want to hire an  
 10 interpreter?  
 11 MR. SUSSELMAN: No. I don't want to spend that  
 12 money.  
 13 Are you telling me that none of the City  
 14 Council members, that you had to translate Arabic for all  
 15 of them?  
 16 MR. MEROUEH: No. Just Councilman Alsomari  
 17 here.  
 18 MR. SUSSELMAN: Yeah. Right. Okay. Well,  
 19 this is --  
 20 BY MR. SUSSELMAN:  
 21 **Q Okay. Look at B.**  
 22 MR. SUSSELMAN: Can I read B to him?  
 23 MR. MEROUEH: I can do it for you.  
 24 MR. SUSSELMAN: Read B.  
 25 MR. MEROUEH: Okay. Same question.

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- 1 Have you spoken to anybody, written, whatever,  
2 or did people approach you, or whatever, about displaying  
3 the pride flag on Joseph Campau?  
4 Your answer was:  
5 "Last time I spoke with numerous  
6 members of the community, or approached  
7 me regarding the pride flag, I don't  
8 remember their names, but I do remember  
9 the conversations. Those conversations  
10 were that they didn't want to fly the  
11 pride flag. I respect my community.  
12 They vote for me. I listen to their  
13 concerns."  
14 A Yeah, that's when I have the meeting. The community,  
15 they came to the meeting and people, they told me:  
16 Please don't vote for that one. People, they vote for  
17 me.  
18 MR. MEROUEH: Okay.  
19 A Yeah. When they --  
20 BY MR. SUSSELMAN:  
21 **Q You're talking about a meeting. When was the meeting?**  
22 A The meeting, I think, last years[sic].  
23 **Q So in June of 2023 --**  
24 A Uh-huh.  
25 **Q -- there was a hearing and a vote on a resolution about**

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- 1 **hearing when people voted on the resolution; is that what**  
2 **you're saying?**  
3 A People, before the meeting, the community they spoke with  
4 me. The community, they came, same, the meeting.  
5 **Q The meeting was -- the hearing was on, I believe,**  
6 **June 9th. Hold on.**  
7 **Was June 13th. There was a hearing on**  
8 **June 13th where a resolution -- let me show you the**  
9 **resolution.**  
10 A 182 or something.  
11 **Q This is Plaintiff's Exhibit Number 6. Number 6. Okay.**  
12 **It's already been marked.**  
13 **Do you recognize that document?**  
14 A (Witness reviewing document.)  
15 This one, they came. The resolution --  
16 **Q Yeah. That's the resolution that people voted on,**  
17 **including you.**  
18 A Uh-huh. The resolution, when I have the meeting, I have  
19 the community, they told me: Please don't vote for that  
20 one. I spoke to the community.  
21 **Q Sorry. I'm sorry. I was distracted.**  
22 A This resolution, they came in the meeting, I get many of  
23 my community they came. They vote for me. They told me:  
24 Please don't vote for that one.  
25 **Q Okay. I got to break this down. Okay.**

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- 1 **what flags could be displayed --**  
2 A Yeah.  
3 **Q -- on the flag poles; right?**  
4 A Yeah.  
5 **Q Remember that?**  
6 A Yeah.  
7 **Q The meeting you were talking about, did you have that**  
8 **meeting before the hearing?**  
9 A (Witness shakes head no.)  
10 **Q No, you did not?**  
11 A No.  
12 **Q When did you have that meeting?**  
13 A In chamber, the City Council, they came and we were --  
14 **Q Oh. So you're talking about the hearing. At the hearing**  
15 **people came to the hearing and expressed their views. Is**  
16 **that what you're saying?**  
17 A People, they read --  
18 MR. MEROUEH: I wrote what I got.  
19 A People they read what we have the meeting next week.  
20 People they just come to talk to me. Please don't vote  
21 for the one. This issue is bad.  
22 BY MR. SUSSELMAN:  
23 **Q But you're saying --**  
24 A People in the community.  
25 **Q And you're saying they expressed that view to you at the**

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- 1 **Can you read that resolution that's in English?**  
2 A I have -- I need some glass. I see some resolution.  
3 **Q You keep saying -- you are saying "glass." Are you**  
4 **saying you wear glasses and you need to wear your**  
5 **glasses?**  
6 A Yeah. If I read --  
7 MR. MEROUEH: He also mentioned that he didn't  
8 learn English in school. It was supposed to be in high  
9 school. He didn't take that course.  
10 MR. SUSSELMAN: I understand. I'm just  
11 asking --  
12 MR. MEROUEH: So the answer is no. And it's  
13 asked and answered.  
14 MR. SUSSELMAN: No.  
15 BY MR. SUSSELMAN:  
16 **Q I'm asking can you read that resolution? Can you read**  
17 **that document that's in English?**  
18 A If I have a glass, maybe I read, maybe not.  
19 **Q As you sit here, can you read it?**  
20 A No, I can't.  
21 **Q You cannot read it?**  
22 A No.  
23 **Q And you don't know what it's about because you can't read**  
24 **it; correct?**  
25 A No. I read it. If I have a glass, I can read a hundred

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- 1 percent.
- 2 **Q** When you say "if I had a glass," I don't know what you
- 3 mean. Do you wear glasses?
- 4 A Yeah.
- 5 **Q** Did you bring them with you?
- 6 A No. I don't know it going to be that one.
- 7 **Q** You didn't bring your eyeglasses?
- 8 A No.
- 9 **Q** Where are they?
- 10 A At my home.
- 11 **Q** If you had your eyeglasses, could you read it?
- 12 A Maybe I read some of them. It's not the whole thing.
- 13 **Q** Let me ask you. At the Council, how long have you been
- 14 wearing eyeglasses, Mr. Alsomari?
- 15 A Huh?
- 16 **Q** How long have you worn eyeglasses?
- 17 A Five years.
- 18 **Q** "Five years." Were you wearing eyeglasses in 2023?
- 19 A "2023"?
- 20 **Q** Yes.
- 21 A 2023 when they came, that we just reading and I had my
- 22 glasses. And a lot of -- a lot of issue with the
- 23 community. They spoke --
- 24 **Q** No, not issues.
- 25 Were you wearing eyeglasses in 2023? Did you

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- 1 need eyeglasses in 2023 to read?
- 2 A I have the glass with me when I go to the meeting.
- 3 **Q** You had the glasses with you?
- 4 A In the meeting.
- 5 **Q** At the meeting?
- 6 A Yeah.
- 7 **Q** Did you read the resolution with your eyeglasses on at
- 8 the meeting?
- 9 A Yes.
- 10 **Q** You did. Okay.
- 11 Now, you talk about a meeting with people that
- 12 voted for you. Was this a -- were these people who
- 13 showed up at -- there was a hearing.
- 14 On this day when people voted -- when you voted
- 15 on the resolution, there was a hearing. What's called a
- 16 hearing. You call it a meeting.
- 17 Is that where people that voted for you showed
- 18 up at that meeting?
- 19 A Yeah. People, they show up at the meeting.
- 20 **Q** Was there a meeting before that where they showed up or
- 21 only then?
- 22 A Been the issue. Been the issue. Some people, they came
- 23 when they have some problem for his property.
- 24 **Q** No, no.
- 25 A Yeah.

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- 1 **Q** I'm talking about -- we're talking about the gay flag.
- 2 A The gay flag --
- 3 **Q** Yes.
- 4 A -- that came -- they came, a lot of people.
- 5 **Q** I'm talking about your answer to this question. I'll
- 6 read it back.
- 7 You answered to the question of did you speak
- 8 to people about the pride flag; the gay flag, you wrote
- 9 in English:
- 10 "I spoke with numerous members
- 11 of the community who approached me
- 12 regarding the pride flag. I don't
- 13 recall their names, but I recall
- 14 some of the conversations I had.
- 15 The substance of those conversations
- 16 was that the community was against
- 17 flying of the pride flag. I respect
- 18 my community. They vote for me.
- 19 So I listened to their concerns."
- 20 I'm trying to find out when did those people
- 21 speak to you about it?
- 22 A This was outside before the meeting. I came to the city
- 23 before I came to the meeting. People, they spoke the
- 24 whole week. Next week they going to be blah, blah, blah.
- 25 **Q** Okay. So you spoke to people before the hearing on

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- 1 June 13th?
- 2 A Yeah. People call me, they spoke with me.
- 3 **Q** Okay. Very good.
- 4 How many people would you say spoke to you?
- 5 A I don't know. I don't know. Ten, 15 people.
- 6 **Q** Ten or 15 people?
- 7 A Yeah. Ten, 15 people.
- 8 **Q** All right.
- 9 A Some, yes, Armenian. Some Albanian. Some Ukrainian. I
- 10 get many people friend, a lot.
- 11 **Q** How many of those -- do you know what the word percentage
- 12 means? Do you know the word percentage --
- 13 So about 15 people spoke to you before the
- 14 hearing --
- 15 A Before the --
- 16 **Q** -- about the gay flag; right?
- 17 A Yeah.
- 18 **Q** How many of those -- and some of them asked you not --
- 19 Well, the resolution was to stop the pride flag
- 20 from being displayed; right?
- 21 If you vote for the resolution, that means no
- 22 pride flag. Okay?
- 23 How many people asked you --
- 24 MR. MEROUEH: Well, that's not -- objection.
- 25 MR. SUSSELMAN: We'll get into that. I mean,

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1 that, primarily, that was what it was about.  
 2 BY MR. SUSSELMAN:  
 3 **Q How many people -- of the 15 people --**  
 4 MR. MEROUEH: Well, no pride flags on Joseph  
 5 Compau on the public flag poles.  
 6 MR. SUSSELMAN: I'm having trouble getting --  
 7 MR. MEROUEH: I'm just trying to make sure that  
 8 the record is clear. It's not the most normal  
 9 deposition, I know.  
 10 MR. SUSSELMAN: Not by far.  
 11 BY MR. SUSSELMAN:  
 12 **Q So you spoke to about 15 people before June 13th --**  
 13 A Yeah, 15 people. A lot of people.  
 14 **Q Let me ask the question, please.**  
 15 **Of those 15 people, how many of them expressed**  
 16 **opposition? Opposed showing the gay flag on the flag**  
 17 **poles on Joseph Compau Avenue?**  
 18 **Of those 15, how many opposed it?**  
 19 A How many opposed it?  
 20 **Q Yes.**  
 21 MR. MEROUEH: Again, I don't think he knows  
 22 what it means, "opposed."  
 23 BY MR. SUSSELMAN:  
 24 **Q How many said that?**  
 25 A Over 15.

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1 **Q Okay. All of them?**  
 2 A All of them, they live in Hamtramck.  
 3 **Q All the people in Hamtramck live in Hamtramck; that's**  
 4 **true.**  
 5 A Yeah.  
 6 **Q How many people in Hamtramck; do you know?**  
 7 A "How many people in Hamtramck?"  
 8 **Q Yeah.**  
 9 A Almost 28,000.  
 10 **Q 28,000. Very good.**  
 11 **And before the hearing, you spoke to 15 of**  
 12 **them?**  
 13 A People, they spoke to me when they see me. When they see  
 14 me --  
 15 **Q I understand. Whenever. There were 15 altogether?**  
 16 A Yeah.  
 17 **Q Fifteen out of 28,000 people?**  
 18 A Yes.  
 19 **Q Okay. Now, as a City Council member, do you not agree --**  
 20 **and I think you've said it's your duty as a City Council**  
 21 **member to represent all the people of Hamtramck; right?**  
 22 A Yes.  
 23 **Q So 15 people tell you they want you to vote a certain way**  
 24 **about something. Those 15 people, you would agree, don't**  
 25 **represent all 28,000 people in Hamtramck; right?**

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1 **Q "Over 15"?**  
 2 A Over 15 people, they spoke with me. Please, don't vote  
 3 for the one. Please.  
 4 **Q When you vote on a resolution, you say you're supposed to**  
 5 **represent the people of Hamtramck?**  
 6 A Yes.  
 7 **Q You would agree there are more than 15 people in**  
 8 **Hamtramck?**  
 9 A That's when they spoke with me in the street.  
 10 **Q Fifteen?**  
 11 A When they see me, I'm working around and I see --  
 12 **Q Yes.**  
 13 A And everybody they have --  
 14 **Q I got that.**  
 15 A Everyone, they have a meeting and there's some -- a lot  
 16 of people they came to the city. A lot of the --  
 17 **Q We'll get to that. I'm talking about the people you**  
 18 **spoke to before the hearing. You spoke to 15 people?**  
 19 A Yes.  
 20 **Q And all 15 people said they don't want the pride flag;**  
 21 **right?**  
 22 A Yes.  
 23 **Q So that's 15 people. Do you know how many people there**  
 24 **are in Hamtramck?**  
 25 A All of them in Hamtramck.

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1 A Those 15 people, or 17 people, or two people, they are  
 2 knows[sic] for the whole city. They are knows[sic] for  
 3 the whole city. They're not special only 15 people.  
 4 They knows [sic] for the whole city what they want.  
 5 **Q So, wait a minute. You're saying --**  
 6 A Yeah.  
 7 **Q Wait. Are you saying that because you spoke to 15**  
 8 **people --**  
 9 MR. MEROUEH: Objection. I'm just going to --  
 10 let's keep the conversation cordial or whatever.  
 11 A Those 15 people, the whole city, they knows[sic] for the  
 12 whole city. For the whole community.  
 13 BY MR. SUSSELMAN:  
 14 **Q You're saying they knew all 28,000 people wanted it --**  
 15 A Yeah.  
 16 **Q -- is that what you're saying?**  
 17 A Yeah. They knows[sic] a lot.  
 18 **Q They knew.**  
 19 A Because 15 people is mix. Not only Yemeni people.  
 20 **Q Yeah.**  
 21 A Yemeni. Polish. Bengali. Bosnia.  
 22 **Q Yeah. But they're all -- wait.**  
 23 **You would agree, I assume, that there are more**  
 24 **than just Muslim people living in Hamtramck; right?**  
 25 **There are Christian people living in Hamtramck?**

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1 MR. MEROUEH: He just mentioned them. He said  
 2 Polish, Albanian --  
 3 A I got Polish and Albanian.  
 4 BY MR. SUSSELMAN:  
 5 **Q Okay.**  
 6 A Albanian and Bosnian.  
 7 **Q Yeah. Okay.**  
 8 A Ukranian. I got many friends --  
 9 **Q I just want to make sure the record is clear.**  
 10 **You're saying because of what those 15 people**  
 11 **told you before the hearing --**  
 12 **Let me finish.**  
 13 **-- you interpreted -- you concluded that what**  
 14 **they told you meant what all 28,000 people in Hamtramck**  
 15 **wanted?**  
 16 A When I walk around, some people, they actually tell me:  
 17 Hey, Council Member, please. Many people they told me  
 18 for that one. Those, they for the whole city.  
 19 **Q What room are you talking about?**  
 20 **When you walk into a room, what room are you**  
 21 **talking about?**  
 22 A No, no room.  
 23 **Q Okay.**  
 24 A The street. I work in the whole area.  
 25 **Q I know. We've been over this.**

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1 A Yeah.  
 2 **Q Stop. So you spoke to, at most, 17 people --**  
 3 A Yeah.  
 4 **Q -- who you believe are residents of the City of**  
 5 **Hamtramck?**  
 6 A Yes.  
 7 **Q And all 17 were opposed to displaying the gay flag on the**  
 8 **flag poles on Joseph Compau Avenue; right?**  
 9 A Yeah.  
 10 **Q And you believe that those -- was it 18 -- 18 people knew**  
 11 **what all the other 28,000 people of Hamtramck --**  
 12 MR. MEROUEH: Objection. That's not what he  
 13 said. You're putting words in his mouth.  
 14 They were representative of the people of  
 15 Hamtramck.  
 16 MR. SUSSELMAN: No. Now, wait a minute.  
 17 BY MR. SUSSELMAN:  
 18 **Q Do you know what the word "representative" means?**  
 19 **"Representative."**  
 20 MR. MEROUEH: I'm translating what he said --  
 21 what he was trying to explain.  
 22 He said that there was people of Ukranian,  
 23 Albanian, Polish --  
 24 MR. SUSSELMAN: I understand that.  
 25 MR. MEROUEH: And some, he said, these people

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1 **On the street you met 15 people altogether.**  
 2 **That's what you told me; right?**  
 3 A Yeah. Around --  
 4 **Q Fifteen people?**  
 5 A Yeah, almost 15, 17 people.  
 6 **Q What's the most people you met?**  
 7 A Okay.  
 8 **Q I get it. What's the most people you met, Mr. Alsomari?**  
 9 A Well, look, when I work around or I get some property, I  
 10 work around on my property and I see some people and they  
 11 spoke. Those people, when they spoke, the whole city,  
 12 they knows[sic] this issue. The whole city. It's not  
 13 only --  
 14 **Q That's not my question. Let me ask you this question.**  
 15 MR. MEROUEH: I'm going to ask for your voice  
 16 to come a little bit down, Mr. Susselman.  
 17 BY MR. SUSSELMAN:  
 18 **Q I'm asking you, Mr. Alsomari, tell me the total number of**  
 19 **people before --**  
 20 **Let me finish.**  
 21 **-- before the hearing on June 13th of 2023, the**  
 22 **total number, maximum, that you personally spoke to? Not**  
 23 **who they spoke to, but that you spoke to?**  
 24 A Almost between 15 and 17 people for the --  
 25 **Q Stop. Stop.**

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1 represent the City --  
 2 MR. SUSSELMAN: Wait. Wait. Wait. Wait.  
 3 BY MR. SUSSELMAN:  
 4 **Q You are an elected official?**  
 5 A Yes.  
 6 **Q By virtue of being an elected official, it's you who**  
 7 **represent all 28,000 people --**  
 8 A Yes.  
 9 **Q -- right?**  
 10 **You spoke to 18 people. What do you mean that**  
 11 **they represented all -- that you represented them? How**  
 12 **did the 18 people that you spoke to represent all 28,000?**  
 13 A When they see me -- when they see me --  
 14 **Q I understand they told you.**  
 15 A When I working and some people they see me --  
 16 **Q "Some people"?**  
 17 A Yeah. People, they see me: Hey, Council member, can you  
 18 please don't vote for this issue.  
 19 We represent the whole community, the whole  
 20 city for one day.  
 21 When I walking around, some of them,  
 22 restaurants. Some of them at the market.  
 23 **Q I don't care where you met them, Mr. Alsomari.**  
 24 A Yeah.  
 25 **Q Wherever you met them, the most you met were 18**

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1 altogether; right?

2 Stop. Stop. You met 18 people?

3 A Yes.

4 Q And those 18 people told you they were opposed to

5 displaying the pride flag. And now you're --

6 A They don't like it.

7 MR. MEROUEH: Objection. Compound.

8 MR. SUSSELMAN: Let me finish the question.

9 MR. MEROUEH: You're compounding it.

10 MR. SUSSELMAN: No.

11 BY MR. SUSSELMAN:

12 Q Those 18 people told -- did they tell you: We know what

13 everybody else in Hamtramck wants? Is that what they

14 told you?

15 A Yes.

16 Q They told you that?

17 A Yeah.

18 Q And you believed them --

19 A I believe --

20 Q -- right? You believed them?

21 A I believe the residents in Hamtramck.

22 Q Well, you believe that these 18 residents, when they told

23 you they know what everybody else in Hamtramck wants, you

24 believed they knew what they were talking about; right?

25 MR. MEROUEH: Again, that's not what he said.

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1 BY MR. SUSSELMAN:

2 Q Hold on. We'll get to the meeting. We'll get to that.

3 I'm talking about before the meeting.

4 MR. MEROUEH: Marc, you keep on -- just for the

5 record, he keeps on repeatedly throwing his finger at

6 Mr. Alsomari --

7 MR. SUSSELMAN: I'm not throwing my finger.

8 MR. MEROUEH: -- in an aggressive --

9 MR. SUSSELMAN: I didn't throw anything.

10 MR. MEROUEH: Marc, this is the fourth time I

11 had to tell you to drop your voice down here.

12 We've already been over this with the judge.

13 Please act more professional here. Thank you.

14 MR. SUSSELMAN: The judge indicated you also

15 were not to raise your voice.

16 MR. MEROUEH: I'm not raising my voice. I'm

17 asking you to stop.

18 MR. SUSSELMAN: But you have.

19 MR. MEROUEH: Okay, Marc.

20 BY MR. SUSSELMAN:

21 Q Look, Mr. Alsomari, I need clear answers from you.

22 A Okay.

23 Q And I'm going to stay here as long as it takes to get

24 them.

25 You spoke to 18 residents of Hamtramck. Those

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1 A One person speak with me, they knows maybe a thousand

2 people. They know the whole area.

3 BY MR. SUSSELMAN:

4 Q Let me ask you this. So it's your position that based on

5 what those 18 people told you, the 28,000 people in

6 Hamtramck did not want the gay flag displayed; is that

7 your statement?

8 A Yeah.

9 Q Oh, 28,000 people in Hamtramck did not want the pride

10 flag?

11 A It's not the whole 28,000. It's not the whole 28,000 --

12 Q How many of --

13 A But a lot --

14 Q What's "a lot?"

15 MR. MEROUEH: He's trying to answer, Marc.

16 A Before the meeting I had a lot of people they don't like

17 that one. When they come to the meeting, they come -- I

18 don't know how many. A hundred people, 200 people over

19 there.

20 BY MR. SUSSELMAN:

21 Q I'm not talking about the meeting.

22 A Those from --

23 MR. MEROUEH: He's talking about --

24 A Those the residents.

25

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1 18 residents told you they were opposed to displaying the

2 pride flag, or the gay flag on the flag poles; right?

3 A Yes.

4 Q Did they tell you why they were opposed to it?

5 A They didn't like it.

6 Q Why didn't they like it?

7 A I don't know.

8 Q You don't know?

9 A No. They don't like it.

10 Q They didn't like it.

11 A When people from the resident in Hamtramck, and I am for

12 the whole city for many area; store, garage, smoke, they

13 told me: Can you, please, don't do that one. A lot of

14 people they knows[sic]. A lot of people they smoke.

15 Q A lot were 18. That's it, 18 is what you told me.

16 That's a lot?

17 A Yeah.

18 Q Hold on. Eighteen people told you they were opposed to

19 showing the pride flag on Joseph Campau Avenue --

20 A Oh, yeah.

21 Q -- right?

22 I asked you why did they say that? You say

23 they didn't like it; right?

24 A Yeah.

25 Q Did they tell you why they don't like it?

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- 1 A No. They didn't told me.  
 2 **Q And you didn't ask them why they don't like it?**  
 3 A No, I didn't. Sometime they didn't have time, only two,  
 4 three minute. "Hey," when I walking around. "Hey,  
 5 Somari, they got a meeting next week, or next two week,  
 6 please don't do that one. We vote for you. We do for  
 7 you. We need to be safe, this area."  
 8 That's what we have.  
 9 **Q So just because --**  
 10 A I respect the community.  
 11 **Q Yeah, I understand you respect the community.**  
 12 A I respect the community.  
 13 **Q Well, we'll see about that one.**  
 14 MR. MEROUEH: Objection.  
 15 MR. SUSSELMAN: Wait a minute.  
 16 MR. MEROUEH: Your comments, like random  
 17 sarcastic comments to this side, it's not professional.  
 18 You're screaming. I'm asking you to stop.  
 19 Again, I don't want to go to the judge or have to come  
 20 back. It's a waste of time. Please stop.  
 21 BY MR. SUSSELMAN:  
 22 **Q Mr. Alsomari, so those 18 people told you they did not**  
 23 **like the idea of the gay flag on Joseph Compau Avenue?**  
 24 A (Witness nods head yes.)  
 25 **Q And they told you that they represent --**

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- 1 **Q And they know everybody on the street?**  
 2 A Well, they knows a lot. They knows a lot.  
 3 **Q And they're telling you everybody on that street agrees**  
 4 **with that, they don't want the pride flag?**  
 5 A We came to supermarket, 10, 20, they ask you when they --  
 6 **Q Wait a minute. Hold on.**  
 7 MR. MEROUEH: Let him finish, Marc.  
 8 MR. SUSSELMAN: No. No.  
 9 MR. MEROUEH: Marc --  
 10 MR. SUSSELMAN: Stop it.  
 11 MR. MEROUEH: Let's take a break, five minutes.  
 12 At this point, Marc --  
 13 MR. SUSSELMAN: Mr. Meroueh is shouting.  
 14 MR. MEROUEH: Marc, yes, I'm shouting.  
 15 MR. SUSSELMAN: He's screaming right now.  
 16 MR. MEROUEH: You keeping on interrupting him.  
 17 You keep on --  
 18 MR. SUSSELMAN: He keeps changing his answers.  
 19 MR. MEROUEH: He's not. You are asking  
 20 compound, seven-minute questions.  
 21 MR. SUSSELMAN: No, I'm not.  
 22 MR. MEROUEH: We're stopping. We're done.  
 23 MR. SUSSELMAN: Let's call the judge. I want  
 24 to call the judge. We're calling the judge.  
 25 MR. MEROUEH: Call the judge. Go ahead.

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- 1 A They live in the city.  
 2 **Q Yeah. They live in the city of 28,000 people; right?**  
 3 **28,000 people.**  
 4 **And they told you what they like and don't**  
 5 **like -- what they don't like is also true of a lot of**  
 6 **other people in Hamtramck; right?**  
 7 A (Witness nods head yes.)  
 8 **Q They didn't say that it's true of all 28,000 people? I**  
 9 **think that's what you said. They didn't say --**  
 10 MR. MEROUEH: Objection. Form and foundation.  
 11 A They --  
 12 BY MR. SUSSELMAN:  
 13 **Q I'm asking what they said. Did they tell you that they**  
 14 **were telling you all 28,000 people --**  
 15 A The public, almost 28,000, they didn't came the whole  
 16 city to tell me don't do that one. When they come,  
 17 couple person, 10, 15 person, they --  
 18 **Q Eighteen.**  
 19 A Those people, they knows[sic] how many thousand --  
 20 **Q How do you know how many people they know? I mean, how**  
 21 **do you know how many people they know?**  
 22 A Because this area, one person, they know for the whole  
 23 area. Just only one person.  
 24 **Q What are you talking about? On the street?**  
 25 A The street, yes.

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- 1 MR. SUSSELMAN: Fine.  
 2 MR. MEROUEH: If you want to take a ten-minute  
 3 break and calm yourself --  
 4 MR. SUSSELMAN: No. You calm yourself.  
 5 MR. MEROUEH: I'm not doing anything. I'm  
 6 telling you to stop.  
 7 MR. SUSSELMAN: Take a break then. We're  
 8 getting back to this.  
 9 MR. MEROUEH: Fine. Take a ten-minute break.  
 10 Go do some yoga. Jesus.  
 11 MR. SUSSELMAN: I don't do yoga. I play Chess.  
 12 MR. MEROUEH: All right. Go play some Chess,  
 13 but come back.  
 14 Goodness gracious. This is the fifth  
 15 deposition where this happened.  
 16 MR. SUSSELMAN: No, it isn't.  
 17 MR. MEROUEH: Enough, Marc.  
 18 MR. SUSSELMAN: No. The first deposition was  
 19 your client --  
 20 MR. MEROUEH: You're doing it again, screaming.  
 21 No, it was not.  
 22 MR. SUSSELMAN: Yes, it was.  
 23 MR. MEROUEH: Oh, my Lord.  
 24 MR. SUSSELMAN: Yes, it was. Mr. Garbarino,  
 25 who wouldn't even sit near the court reporter.

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1 MR. MEROUEH: Marc, you're an attorney. You're  
 2 an officer of the court. You're not --  
 3 MR. SUSSELMAN: And a damn good one.  
 4 MR. MEROUEH: You need to calm down. Enough.  
 5 Take a break. Come back.  
 6 (Recess at 11:54 a.m.)  
 7 ---  
 8 (Resumed at 12:00 p.m.)  
 9 BY MR. SUSSELMAN:  
 10 **Q Mr. Alsomari, when you were testifying about what it is**  
 11 **you don't like about gay people that bothers you, I think**  
 12 **you said you don't want them around your family. Did you**  
 13 **say something to that effect?**  
 14 A I said don't accept this issue in my family, yeah  
 15 **Q And why is that?**  
 16 A Some is not good.  
 17 **Q Being gay is not good?**  
 18 A Yeah.  
 19 **Q We're not just talking about the people in California**  
 20 **that walk around naked? You're talking about the gay**  
 21 **people in Hamtramck?**  
 22 A When I hear in the background, for this gay flag it's  
 23 going to be bad. We don't accept, me and my family. Me  
 24 and my family --  
 25 **Q What's bad about it?**

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1 A The name is bad. Bad word. You know, is bad word.  
 2 **Q No, I don't.**  
 3 A Bad word "gay."  
 4 **Q I know there are bad words, but I know why they're bad.**  
 5 **All right.**  
 6 **Murder is a bad word, but why is it bad?**  
 7 A Because it's a gay. I don't accept this.  
 8 **Q You don't accept what?**  
 9 A It's gay.  
 10 **Q Because they have sexual relations?**  
 11 A I don't accept this.  
 12 **Q Because they have sexual relations; correct? You don't**  
 13 **accept it because they have sexual --**  
 14 MR. MEROUEH: Objection. You're putting words  
 15 in his mouth.  
 16 MR. SUSSELMAN: I'm leading. I'm leading.  
 17 BY MR. SUSSELMAN:  
 18 **Q You don't accept it because they have sexual relations;**  
 19 **correct?**  
 20 A "Gay" we don't accept it.  
 21 **Q What don't you accept? Because they have sexual**  
 22 **relations?**  
 23 A I don't know.  
 24 **Q You don't know.**  
 25 **I think you said you don't feel safe. That you**

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1 MR. MEROUEH: Objection. Asked and answered.  
 2 MR. SUSSELMAN: No, he hasn't.  
 3 BY MR. SUSSELMAN:  
 4 **Q What would be bad about it?**  
 5 A It's gay. Going to be gay.  
 6 **Q Gay means, you know, a lot of things.**  
 7 **Gay means happy. Is it bad to be happy?**  
 8 A Gay is something is some bad.  
 9 **Q What's bad? You're not telling me what's bad.**  
 10 **You don't know?**  
 11 MR. MEROUEH: He said over and over that he  
 12 doesn't accept it in his family. That's the only answer  
 13 to that.  
 14 MR. SUSSELMAN: No, that's not an answer.  
 15 MR. MEROUEH: That's not the answer you want.  
 16 You can ask the judge. We can move on.  
 17 MR. SUSSELMAN: No.  
 18 BY MR. SUSSELMAN:  
 19 **Q What's bad about it, Mr. Alsomari?**  
 20 A Gay --  
 21 **Q Gay is a word. What does it mean?**  
 22 A The word -- the name -- the word -- the name gay is some  
 23 bad.  
 24 **Q Is it bad because it's about people that have intimate**  
 25 **sexual relations?**

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1 **don't feel -- your family won't feel safe. What do you**  
 2 **mean by that?**  
 3 A It's not safe for my family.  
 4 **Q What do you mean "not safe?" Do you think gay people are**  
 5 **going to kill them?**  
 6 A No, they're not going to kill him. Why they going to  
 7 kill him?  
 8 **Q No. Well, what's not safe about it then? They going to**  
 9 **rob them?**  
 10 A It's not going to be good family. It's not going to be  
 11 good. My family is going to be good. Something that's  
 12 good. Tomorrow is going to be doctor. Is going to be  
 13 teacher. Is going to be something is good.  
 14 **Q Your family is going to become doctors and lawyers,**  
 15 **whatever; right?**  
 16 A Yeah. Lawyers, everything.  
 17 **Q And if you see gay people, that's not going to happen?**  
 18 A The name -- the name for the gay is going to be bad word.  
 19 Bad word for me and my family.  
 20 **Q Because they have sexual relations?**  
 21 A I don't know.  
 22 **Q You don't know.**  
 23 **So as best as I understand it, you saw 18**  
 24 **people total in various places in Hamtramck. As you**  
 25 **walked around, you saw 18 people and they asked you to --**

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- 1 they told you they're opposed to displaying the gay flag;  
 2 right?  
 3 A Yeah.  
 4 Q Eighteen people.  
 5 A They told me: Please --  
 6 Q And, then, you understand that those 18 people spoke for  
 7 a lot more people?  
 8 A They knows -- they knows the whole city.  
 9 Q "They knows the whole city." Yeah. But not the whole  
 10 28,000?  
 11 A Not the whole 28,000.  
 12 Q "Not the whole 28,000"; right?  
 13 A Yeah.  
 14 Q Okay. So did any of those 18 people that you spoke to  
 15 that told you that they're opposed to displaying the  
 16 pride flag because it involves sexual relations between  
 17 people of the same sex, did any of them tell you that?  
 18 A They told me: Please don't accept this issue. That's  
 19 when I start to see some people -- almost 18 people from  
 20 the whole area --  
 21 Q Yeah.  
 22 A -- when I walking around. Some of them market. Some of  
 23 them --  
 24 Q I understand all that. Did they tell you --  
 25 A Some at the gas station. They knows a lot of people.

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- 1 Q Yeah.  
 2 A They knows what's going on.  
 3 Q And did they --  
 4 MR. MEROUEH: Marc, can you stop interrupting  
 5 him, please.  
 6 A If you mention -- if someone, they mention the baseball,  
 7 they have some accident, the whole city they knows they  
 8 have some accident for one person and the baseball.  
 9 BY MR. SUSSELMAN:  
 10 Q Can you answer my question now?  
 11 A Yeah.  
 12 Q Please answer my question, not yours.  
 13 A Okay.  
 14 Q My question is did any of those 18 people tell you that  
 15 they were opposed to displaying the pride flag because it  
 16 represents sexual relations between --  
 17 A The whole 18 people they told me: Please don't vote for  
 18 this issue. It's bad.  
 19 Q Did any of them tell you they were opposed to it because  
 20 it's related to sexual relations between men and women?  
 21 MR. MEROUEH: Objection. Asked and answered.  
 22 This is the fourth time you asked the same question.  
 23 MR. SUSSELMAN: No. He hasn't answered it.  
 24 MR. MEROUEH: Not to your satisfaction. He  
 25 hasn't answered it the way you want it answered. There's

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- 1 a difference, Marc.  
 2 MR. SUSSELMAN: No, there isn't. He hasn't  
 3 answered the question.  
 4 BY MR. SUSSELMAN:  
 5 Q It's a simple question. "Yes" or "No?" It's a simple  
 6 question.  
 7 MR. MEROUEH: Stop yelling.  
 8 A People tell me: Can you -- can you please not vote for  
 9 this issue. It's bad.  
 10 BY MR. SUSSELMAN:  
 11 Q Yes, I understand that.  
 12 Did any of them tell you the reason they  
 13 opposed displaying the pride flag was because it involves  
 14 sexual relations with people of the same sex?  
 15 A They told me --  
 16 Q "Yes" or "No"? Just answer.  
 17 A They told me this issue is bad. Can you please don't  
 18 vote for this issue.  
 19 Q Okay. Did they tell you that it involved sexual  
 20 relations --  
 21 A They don't tell me the whole story.  
 22 Q That's fine. Fine. That's another issue.  
 23 A They told me: Please, don't vote for this issue.  
 24 Q Right. Right.  
 25 Now, did any of them say that they're opposed

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- 1 to displaying the gay flag because it's against their  
 2 religion? Just answer "Yes" or "No."  
 3 A They told me --  
 4 Q "Yes" or "No."  
 5 A -- don't vote for this one.  
 6 Q Can you give me a "Yes" or "No" answer?  
 7 Did any of them say they're opposed to the  
 8 displaying because it's against their religion?  
 9 A Nobody -- nobody can explain for the whole city. Nobody  
 10 can explain it.  
 11 They told me: Hey, Council Member, please  
 12 don't vote for this issue.  
 13 Q So did you --  
 14 A We didn't make time to find out why, why, why.  
 15 Q Didn't take time. Okay.  
 16 A Yeah.  
 17 Q Why did you think -- did you have any idea why they were  
 18 opposed to it?  
 19 A People, they spoke something is bad.  
 20 Q Did you --  
 21 A Something is bad.  
 22 Q Yeah. Why was it bad? Did they explain why it's bad?  
 23 A I guess, you know, background for the gay -- the gay.  
 24 The gay is not good. It's not good for me. And some  
 25 people they don't accept -- they didn't need to accept

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1 this issue.

2 **Q** Well, is it not good because gay people are known to  
3 commit murder? Is that why it's not good?

4 A I don't know.

5 **Q** You don't know.

6 Is it not good because gay people are known to  
7 steal?

8 A I don't know. Not about steal, but --

9 **Q** Not about stealing. Not about murder; right? What was  
10 it about?

11 A Gay.

12 **Q** "Gay"?

13 A Yeah.

14 **Q** Being happy?

15 A Some people is happy. But me, it's not -- I'm not happy  
16 for that one.

17 **Q** Okay. So there was a hearing on June 13th. You  
18 attended? You were at that hearing; right?

19 A Um-hmm.

20 **Q** And it's my understanding, it's your job -- you believe  
21 it's your job to represent the majority of the people in  
22 Hamtramck; what they believe; what they want?

23 A The whole city. I working for the whole city.

24 **Q** You're working for the whole city?

25 A Yes.

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1 **Q** Would you agree that not the whole city agrees on some  
2 issues? They don't all agree on the same issue? That  
3 there's issues that they disagree on?

4 A I don't understand that one.

5 **Q** You don't understand?

6 A No.

7 **Q** There are 28,000 people in Hamtramck.

8 There's an election coming up; right? The  
9 presidential election. Right now the candidates are  
10 Kamala Harris and Donald Trump.

11 Do you think all 28,000 people in Hamtramck  
12 agree on who should be the president?

13 A What did you say? What? Yeah.

14 **Q** Do you believe that all 28,000 people in Hamtramck agree  
15 who should be elected president?

16 A People that -- when we have -- they voting, I don't know  
17 how many thousand, four or five thousand, seven thousand  
18 they going to be vote, it depends. Some people they're  
19 working for Republicans. Some people they're working for  
20 Democrat.

21 **Q** Right. Okay.

22 A I am a Democrat.

23 **Q** Okay. That's good.

24 A I am Democrat.

25 **Q** But that means not all people agree about the same thing;

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1 right?

2 A Not the whole people, but some of them --

3 **Q** All right. Okay.

4 "Not the whole people?"

5 A Yeah, not the whole people.

6 **Q** So on a particular issue, like, should Hamtramck raise  
7 its property taxes --

8 A Yes.

9 **Q** -- people have different views; right? They don't all  
10 agree?

11 A (Witness nods head yes.)

12 **Q** Some people say yes, some people say no; right? Some  
13 people don't care; right?

14 Right. They don't all agree; right?

15 A Yeah.

16 **Q** Right. That was true, also, regarding displaying the  
17 pride flag in Hamtramck; right? Some people weren't  
18 against it. Some people were against it. They didn't  
19 all agree; correct?

20 A No. For the gay flag, a lot of people they didn't accept  
21 it. Everybody they knows. They speak. They speak.

22 **Q** Yeah, they speak.

23 A Muslim is not Muslim. I just told you I have Polish,  
24 Bengali.

25 **Q** Yeah.

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1 A I have Ukranian.

2 **Q** Right.

3 A I have Albanian.

4 **Q** Yes.

5 A Bosnian.

6 **Q** Of the 18 people you spoke to, how many of them were  
7 Muslim?

8 A I think five people Muslim and thirteen people for --

9 **Q** How many of them were Ukranian?

10 A Two people. They working in construction.

11 **Q** Were Ukrainian?

12 A Yeah.

13 **Q** So that's five.

14 A And some Bosnian.

15 **Q** How many were Bengali?

16 A Bengali, I think, seven people.

17 **Q** So that's twelve. Okay.

18 Bosnian, how many of them were Bosnian?

19 A One person Bosnian.

20 **Q** One. That's thirteen.

21 A Yeah.

22 **Q** Thirteen people. What else is there?

23 MR. MEROUEH: Polish.

24 BY MR. SUSSELMAN:

25 **Q** Polish. How many were Polish?

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1 A I think three people. Again, three people Polish, and I  
2 got --  
3 **Q That's 15, I think. We're up to 15?**  
4 MR. MEROUEH: Sixteen.  
5 A I got Albanian.  
6 BY MR. SUSSELMAN:  
7 **Q So there were two Albanians?**  
8 A Yeah.  
9 **Q Three Polish. Okay. That's it; right?**  
10 A Yeah. That's when I see -- that's when I see in a room.  
11 We didn't meet with the whole city.  
12 **Q I understand that.**  
13 A I stop some market. I stop some hardware. People, they  
14 see me: Hey, don't do this and this. They knows a lot  
15 what do we have in the city. This is small city. It's  
16 not big city. It's small city.  
17 **Q So at this meeting, the meeting on June 13th, you were**  
18 **present at that meeting; correct?**  
19 A Yeah.  
20 **Q And there were people who attended that meeting and went**  
21 **to the microphone and gave their opinions; right?**  
22 A (Witness nods head yes.)  
23 **Q You would agree that a lot of people that were there at**  
24 **the meeting that indicated they live in Hamtramck,**  
25 **indicated they were opposed to the resolution; correct?**

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1 A (Witness nods head yes.)  
2 **Q "Yes"?**  
3 A (Witness nods head yes.) They spoke --  
4 **Q "Yes?" That is a "Yes"?**  
5 A (Witness nods head yes.)  
6 **Q You're nodding your head. Is that "Yes"?**  
7 A They spoke -- they spoke to the Council: Can you please  
8 vote no for this issue.  
9 I have to respect all my community. I have to  
10 respect the people they vote for me.  
11 **Q Right. I agree you should respect your community.**  
12 A Yeah.  
13 **Q And among the people in your community --**  
14 MR. MEROUEH: Marc, the comments are  
15 unnecessary. Please keep them to yourself.  
16 Thank you.  
17 BY MR. SUSSELMAN:  
18 **Q A number of people that showed up at that hearing**  
19 **expressed that they were opposed to the resolution, i.e,**  
20 **they did not want to prohibit display of the pride flag;**  
21 **correct? A lot of them?**  
22 A A lot.  
23 **Q And some of them indicated, like the people you spoke to**  
24 **on the street, that they supported the resolution. They**  
25 **did not want to see the pride flag displayed; right?**

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1 A (Witness nods head yes.)  
2 **Q And these are the people who were at the hearing that**  
3 **you're supposed to represent; correct? Right?**  
4 A The people, when I see them on the street, they didn't  
5 came at the meeting. They came different people. They  
6 working people. They working. Some people they're  
7 working to get out. Some people they working factory.  
8 They didn't come at the meeting. They came, the other  
9 people.  
10 When those people, they came, they knows a lot  
11 for the whole city. Some other people they came --  
12 **Q How do you know that?**  
13 A -- they don't like it.  
14 MR. MEROUEH: Don't interrupt him. Please.  
15 A Yeah. Some people they came. Many lady, they came.  
16 They like those gay flag. They came, many person. It's  
17 not a lot. But the whole community, they came a lot.  
18 They say: Please don't vote for this issue.  
19 I have to respect the people when they vote for  
20 me.  
21 BY MR. SUSSELMAN:  
22 **Q So if I understand what you're saying --**  
23 **Do you know how many people at the hearing**  
24 **expressed -- let me finish.**  
25 **How many people that attended the meeting and**

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1 spoke to the Council indicated that they were opposed to  
2 the resolution because they supported displaying the  
3 pride flag? Do you know how many people said that at the  
4 hearing?  
5 A I don't know. I don't know. They came a lot, but they  
6 spoken. They take two, three hour. Maybe 50 person or  
7 60 person when they spoken at the meeting. Between 50  
8 and 60 person.  
9 **Q And it's your obligation to represent them as part of the**  
10 **community, too; correct?**  
11 A Yeah. When person, they speak, they speak for the whole  
12 community, not speak for hisself[sic].  
13 **Q Have you looked at the video of that hearing since the**  
14 **hearing occurred?**  
15 A No.  
16 **Q Have you looked at the video?**  
17 A (Witness shakes head no.)  
18 **Q You have not.**  
19 And you don't know how many people at that  
20 hearing expressed that they were opposed to the  
21 resolution that supported display of the pride flag;  
22 correct? Right?  
23 A I see a lot of people. A lot of people they came. A  
24 lot.  
25 **Q Yeah.**

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- 1 A I don't know how many people. Hundred people, 300 people  
2 they stay outside.  
3 **Q Right.**  
4 A Inside of room is not for, like, 20, 30 people. But  
5 people, they stayed the whole hallway.  
6 **Q Well, actually, would you disagree if I told you that 37**  
7 **people -- 37 people spoke at that hearing?**  
8 A No. They spoke a lot. People, they take 2 hour or 3  
9 hour. Some people just e-mail. Some e-mail. But when  
10 they speak --  
11 **Q Some what?**  
12 A E-mail. Or they e-mail to the Clerk.  
13 MS. STACKPOOLE: E-mail.  
14 BY MR. SUSSELMAN:  
15 **Q E-mail; right.**  
16 A Yeah.  
17 **Q But there were 37 people that actually spoke?**  
18 A Yeah.  
19 **Q And there were also e-mails that were read; right?**  
20 A Yeah. The 37, I think those e-mail. But the people they  
21 speaking, over 40 people, because every two minute they  
22 take 2 hour, 3 hour.  
23 **Q There were 37, sir. I've counted them. Okay?**  
24 A They spoke a lot. They --  
25 **Q Are you disagreeing with that?**

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- 1 A Yeah, ninety percent.  
2 **Q And you haven't watched it again; have you?**  
3 **Have you counted them?**  
4 A No, I didn't count it.  
5 **Q Well, you can disagree with me. I'm telling you, of the**  
6 **47 e-mails that were submitted, letters --**  
7 **Forty-eight. Excuse me.**  
8 **Of the 48 e-mails, 47 of them were opposed to**  
9 **the resolution, and only one of the e-mails supported it.**  
10 **Okay? If you check the video, you can confirm my**  
11 **numbers.**  
12 A Okay. If you check the video for some e-mail --  
13 **Q Yeah.**  
14 A -- some e-mail, they came -- I don't know who's this.  
15 Where he live. I believe the people, when they came to  
16 the city and people they put the name and the address, I  
17 know him. The e-mail, some people I don't know them. I  
18 don't see this name before.  
19 **Q How do you know where the e-mails came from?**  
20 A Because some e-mail they didn't mention his address. I  
21 don't know from where.  
22 **Q Most of them -- well --**  
23 A Yeah.  
24 **Q So it seems to me you voted in favor of the resolution?**  
25 A I voted for the resolution?

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- 1 MR. MEROUEH: He disagrees. He tells you he  
2 disagrees.  
3 A I agree with the people, they talk to me: Please don't  
4 vote for that one. Because those people, they came from  
5 the whole community.  
6 BY MR. SUSSELMAN:  
7 **Q Do you know how many e-mails were read at the hearing?**  
8 A I think 20 or 30 e-mails.  
9 **Q You can disagree. I'm telling you there were 48 --**  
10 **Forty-eight e-mails?**  
11 **Q -- e-mails were read at the hearing.**  
12 A Yeah. They take, 2 hour, 3 hour.  
13 **Q Yeah. It was a long hearing?**  
14 A Yeah. The -- yeah.  
15 **Q It was a long hearing?**  
16 A Yes.  
17 **Q Do you know how many of the e-mails opposed the**  
18 **resolution and supported display of the pride flag?**  
19 A Some e-mail, I don't know how many e-mail they believe,  
20 but they got, like, 90 percent they didn't believe that  
21 one. Ninety percent.  
22 **Q Ninety percent of the e-mails you're saying --**  
23 A E-mail and --  
24 **Q -- were opposed to the pride flag, is that what you're**  
25 **saying?**

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- 1 **Q Right.**  
2 A No.  
3 **Q Yeah. You voted not to display -- well, let's look at**  
4 **that. Well, we'll get to that.**  
5 **Prior to that meeting, had you discussed the**  
6 **issue of displaying the pride flag with the Mayor?**  
7 A No.  
8 **Q "No."**  
9 A After the meeting, I go my house. I don't --  
10 **Q Before the meeting?**  
11 A No, I didn't.  
12 **Q I didn't say after. Before the meeting, had you, at any**  
13 **time, discussed the issue of the displaying the pride**  
14 **flag with Mayor Ghalib?**  
15 A (Witness shakes head no.)  
16 **Q "No." Had you discussed it with any of your fellow**  
17 **Council members before the meeting?**  
18 A Yeah. (Witness shakes head no.)  
19 **Q No, you did not.**  
20 **Do you know who drafted -- let me show you**  
21 **the --**  
22 MR. SUSSELMAN: Can I see those documents,  
23 please? Thank you.  
24 BY MR. SUSSELMAN:  
25 **Q So the meeting on June 13th was about passing or not**

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- 1 passing the resolution 2023-82, which is Plaintiff's  
 2 Exhibit Number 6; right?  
 3 And you said at the hearing you had your  
 4 glasses; right?  
 5 A (Witness nods head yes.)  
 6 Q And you were able to read the resolution; right?  
 7 A (Witness nods head yes.)  
 8 Q And that resolution indicated -- I can show it to you if  
 9 you want to see it again -- that only certain flags would  
 10 be allowed to be displayed on the flag poles on Joseph  
 11 Campau Avenue; correct? That's what the resolution was  
 12 about?  
 13 It designated certain flags that could be shown  
 14 and no others?  
 15 A No. Any property public -- not any public property. We  
 16 didn't accept this flag for any public property. But if  
 17 they want to do it in his house -- any person they want  
 18 to do his house or his business, they accept it.  
 19 Q Right. But on public property --  
 20 A Any public for the whole city --  
 21 Q Yes.  
 22 A -- we didn't accept it.  
 23 Q Right. And only -- and the resolution said what flags  
 24 would be allowed?  
 25 A The gay flag.

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- 1 Q No. It didn't say that.  
 2 It said what flags would be allowed --  
 3 A National --  
 4 Q Can I finish my question, please?  
 5 A Yes.  
 6 MR. MEROUEH: Objection. Mark, for the amount  
 7 of times you didn't let him finish, I think he's  
 8 granted --  
 9 MR. SUSSELMAN: Please.  
 10 BY MR. SUSSELMAN:  
 11 Q The resolution designated certain flags would be allowed  
 12 to be displayed on public property, and that was it. No  
 13 other flags; right?  
 14 A No other flag. Only American flag on Joseph Campau.  
 15 Only American flag.  
 16 Q What else? What other flags were allowed?  
 17 A They come, I think, some permit for the national -- for  
 18 the whole national people, they live in the city, they  
 19 bring each -- each county nationality, they bring the  
 20 flag over there. Now we don't accept any flag, only just  
 21 American flag. Just U.S.A.  
 22 Q Wait a minute. Are you saying --  
 23 A Before the whole --  
 24 Q Yeah.  
 25 A The whole nationality on Joseph Campau.

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- 1 Q That was before --  
 2 A Yeah. A lot of Arab, Bengali, Bosnia, Polish. The whole  
 3 country.  
 4 Q And you're saying after the resolution those weren't  
 5 allowed? The flags of other nations were not allowed?  
 6 A They said just only American flag.  
 7 Q That's what it said?  
 8 A Just only ours, yeah.  
 9 Q That's what you thought you were voting on?  
 10 A No. I voted there's no gay flag for --  
 11 MR. MEROUEH: Objection.  
 12 A -- the whole public.  
 13 BY MR. SUSSELMAN:  
 14 Q Okay. Well, could you --  
 15 MR. SUSSELMAN: You have to translate this to  
 16 him. Will you tell him what flags were allowed under the  
 17 resolution?  
 18 MR. MEROUEH: You're doing just fine. I think  
 19 you can tell him.  
 20 BY MR. SUSSELMAN:  
 21 Q Okay. Mr. Alsomari --  
 22 A Yeah.  
 23 Q -- so you're not aware that the resolution said the  
 24 following flags would be allowed:  
 25 "The American flag, the flag of

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- 1 the State of Michigan, the Hamtramck  
 2 flag, the Prisoner of War flag, and  
 3 the nations' flags that represent  
 4 the international character of our  
 5 city shall be flown."  
 6 Not just may, but, actually, shall. Shall is  
 7 must be flown.  
 8 You weren't aware of that?  
 9 A What is this?  
 10 Q It's a resolution --  
 11 A I know.  
 12 Q -- you voted on.  
 13 A I voted for the -- I voted no gay flag.  
 14 Q Is that what you thought you were voting on?  
 15 A Is no gay flag.  
 16 Q Just no gay flag?  
 17 A No gay flag. But the other flags for nation -- for the  
 18 whole nation on Joseph Campau for every country, national  
 19 flag --  
 20 Q Yeah.  
 21 A -- not the gay flag. When I say "no," not the gay flag.  
 22 Q I guess, I'm -- I don't know.  
 23 Did the resolution that you thought you were  
 24 voting on allow flags representing other nations?  
 25 A No.

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- 1 Q Did it allow you that?
- 2 A No. I voted --
- 3 Q Well, then you --
- 4 A I voted for no gay flag.
- 5 Q You voted for no gay flag?
- 6 A Yes.
- 7 Q Well, sir, I'm going to tell you that you also voted
- 8 for -- do you know what the Prisoner of War flag is?
- 9 A Is no gay flag.
- 10 Q Do you know what the Prisoner of War flag is? POW flag,
- 11 do you know what that is?
- 12 A Gay flag, the GLBT --
- 13 Q So you don't know what the POW flag is. And you didn't
- 14 know that when you voted yes for this resolution you were
- 15 allowing flags of other nations to be flown?
- 16 The only flag that's not mentioned is the gay
- 17 flag; is that correct?
- 18 A The gay flag, yeah.
- 19 Q So when you voted -- essentially, when you voted for this
- 20 resolution, you were voting prohibiting the gay flag;
- 21 right?
- 22 A Yeah.
- 23 Q Which is what you wanted?
- 24 A No gay flag.
- 25 Q "No gay flag?"

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- 1 A Yeah.
- 2 Q So when you voted on this resolution, the only reason you
- 3 voted for it is that you wanted to prohibit the display
- 4 of the pride flag; is that what you voted for?
- 5 A The gay flag.
- 6 Q "The gay flag"; right.
- 7 MR. MEROUEH: Objection. Form and foundation.
- 8 MR. SUSSELMAN: To what? I haven't even --
- 9 MR. MEROUEH: To that last question.
- 10 MR. SUSSELMAN: You have to object before the
- 11 question's answered.
- 12 MR. MEROUEH: The last question. I'll just put
- 13 it on the record. I mischaracterized that, actually.
- 14 MR. SUSSELMAN: Well, he answered it.
- 15 MR. MEROUEH: Yeah. Well, you mis --
- 16 MR. SUSSELMAN: Well, he answered it.
- 17 BY MR. SUSSELMAN:
- 18 Q At the end of the hearing after people had expressed
- 19 their views, the City Council members gave their --
- 20 right. Each City Council member expressed whether they
- 21 were supporting or opposing the resolution and why;
- 22 right? Do you remember that?
- 23 A I don't know.
- 24 Q You don't remember that. Okay.
- 25 Well, they did. If you watch the YouTube

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- 1 A No gay flag.
- 2 Q Did anybody from the City Council tell you how to vote?
- 3 A No.
- 4 Q "No."
- 5 Did you see Imam Saleh Algahim at the hearing?
- 6 Did you see him sitting there?
- 7 A I see him at the Council. I see him in the Council
- 8 standing --
- 9 Q On that day, at that hearing?
- 10 A Him and the whole resident.
- 11 Q "The whole resident," what do you mean?
- 12 A Resident in Hamtramck.
- 13 Q No, they didn't all fit in the room. What do you mean?
- 14 A They came, 200 people. They came, 200 people. Him,
- 15 like, one person like the other people.
- 16 Q So you believe there were 200 people sitting in that
- 17 room?
- 18 A Not in the room. The room almost 20, 30 people. But
- 19 they stay the whole hallway and outside.
- 20 Q Okay. Not -- 28,000 people didn't show up; right?
- 21 A No. No.
- 22 Q Do you know who drafted this resolution? The resolution
- 23 2023-82, do you know who drafted it?
- 24 A I think Mohammed Hassan.
- 25 Q You think Mohammed Hassan?

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- 1 video, you'll see. In fact, you also expressed an
- 2 opinion.
- 3 A When they came the meeting, people, they speak, yeah.
- 4 Q I'm not talking about the people who spoke. I'm talking
- 5 about the City Council members who were sitting there
- 6 listening to what the people were saying.
- 7 A City Council, they listen the whole public comment.
- 8 Q Yeah.
- 9 A They listen to the whole public comment what they say.
- 10 Q And at the end of that, they gave their views? The City
- 11 Council members gave their views, including you.
- 12 You don't remember that?
- 13 A I don't know that one.
- 14 Q You don't remember that?
- 15 A I don't remember.
- 16 Q So one of the members of that City Council that night was
- 17 Councilman Choudhury; right? You know who Councilman
- 18 Choudhury is; right?
- 19 A Yeah.
- 20 Q He's no longer -- he wasn't elected, so he's no longer on
- 21 the Council; right?
- 22 A The meeting 2023 he still the Council --
- 23 Q He was then, yes. And he spoke; right?
- 24 He was there; right?
- 25 A Yeah.

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1 Q And you were there also?  
 2 A Yeah.  
 3 Q And Mr. Choudhury said the following. I'm going to tell  
 4 you what he said. Okay?  
 5 A I don't remember that one.  
 6 Q I'm going to read it to you.  
 7 A Yeah.  
 8 Q Okay. What he said was:  
 9 "If I may, good evening folks.  
 10 Thank you so much for being here so  
 11 patiently. Some of you already  
 12 passed the bedtime. You got to work  
 13 tomorrow. Yeah, but here's the thing,  
 14 folks. I believe in the rights of  
 15 every human to enjoy the life under  
 16 the full rights of the United States.  
 17 The resolution does not prevent private  
 18 citizens from flying the pride flag  
 19 around the city. We only want to  
 20 respect the religious rights of our  
 21 citizens. Pride month is a time to  
 22 celebrate diversity of the LGBTQ  
 23 community, which includes people of  
 24 all ages, abilities. No one should  
 25 be denied access to the services

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1 religious. We have to respect the  
 2 people around here. Schools, mosques,  
 3 churches. I won't take any longer  
 4 than this. It's been a long night.  
 5 But I welcome every one of you."  
 6 I want to ask you -- so you heard what I  
 7 just -- that's what he said at the meeting.  
 8 A I heard what he said.  
 9 Q Do you disagree with the following that he said --  
 10 A That's his personality. That is what he have, his idea.  
 11 Q Yeah.  
 12 A That's his personality.  
 13 Q Do you disagree --  
 14 A Nothing to do with me or them.  
 15 Q Do you disagree with this statement:  
 16 "Therefore, you are not  
 17 unwelcome. You are welcome here.  
 18 But we have to respect the religious.  
 19 We have to respect the people around  
 20 here. Schools, mosques, churches.  
 21 I won't take any longer than this."  
 22 Do you disagree with that --  
 23 MR. MEROUEH: Objection. It's compound. Also,  
 24 who knows what Niem(ph) is even saying there without an  
 25 explanation from Niem himself. That's the compound

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1 and supports they need to thrive  
 2 into the community because of their  
 3 sexual orientation or gender --  
 4 gender identity. But here's the thing,  
 5 folks. You guys are welcome to the  
 6 community. You guys welcome to walk  
 7 to the restaurants, walk to the  
 8 grocery store. Why do we have to have  
 9 a flag flown in the city property to  
 10 be represented? You already represented.  
 11 We already know who you are, and we don't  
 12 have any hate or any discrimination  
 13 against that. We get along very well.  
 14 By making this bigotry, making this a  
 15 scene, it's making like you wanted to  
 16 hate us. It's you versus and others.  
 17 It's not that. It's everyone included.  
 18 And this is the community we live.  
 19 I love where we live. I have no problem.  
 20 But the community as a whole has this  
 21 respect that we are raising family.  
 22 We're doing our best to support the  
 23 community. Therefore, you are not  
 24 unwelcome. You are welcome here.  
 25 But we have to expect -- respect the

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1 question.  
 2 MR. SUSSELMAN: Okay.  
 3 BY MR. SUSSELMAN:  
 4 Q Answer --  
 5 MR. MEROUEH: Narrow it down.  
 6 MR. SUSSELMAN: No.  
 7 MR. MEROUEH: Narrow it down.  
 8 BY MR. SUSSELMAN:  
 9 Q Do you agree with the following statement that was made  
 10 by Mr. Choudhury or not?  
 11 A Again, I didn't ask the people why.  
 12 Q Do you disagree with him?  
 13 A Why you saw this and this and this. That's his  
 14 personality. I say what I want.  
 15 Q Do you disagree with it?  
 16 A I said what I want to say.  
 17 Q Well, I'm asking you. Do you disagree with that  
 18 statement?  
 19 A That's his personality.  
 20 MR. MEROUEH: Objection. Asked and answered.  
 21 MR. SUSSELMAN: No, he hasn't answered it.  
 22 A That's his personality.  
 23 MR. MEROUEH: Marc, he just answered it.  
 24 A That's his personality. Whatever he want. That's his  
 25 personality. It's not for me. I did what I did for me.

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1 When they told me, the people, to do it, I do  
 2 it. Whatever he want, that's his person.  
 3 BY MR. SUSSELMAN:  
 4 **Q So you don't know if you disagree?**  
 5 A He can say whatever he want.  
 6 **Q And he did. I'm asking when he said this, did you**  
 7 **disagree with it?**  
 8 MR. MEROUEH: Objection. Asked and answered.  
 9 A I hear what they told me. The people, I hear what they  
 10 told me, the community. They vote for me. He deal with  
 11 the people what he told them.  
 12 BY MR. SUSSELMAN:  
 13 **Q Did you believe that the issue regarding displaying of**  
 14 **the gay flag was dividing the community up? That**  
 15 **people -- some people agreed and some people disagreed**  
 16 **and it was the --**  
 17 A I respect my community. I respect my community. My  
 18 community, they didn't accept this issue. I did for  
 19 them.  
 20 **Q Well, in order for you to respect the community,**  
 21 **Mr. Alsomari, you'd have to know the majority of opinion**  
 22 **of the community.**  
 23 MR. MEROUEH: Objection. Compound. Every --  
 24 objection to all your questions. They're all compound.  
 25

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1 MR. SUSSELMAN: It's not a compound question.  
 2 MR. MEROUEH: Almost every one of your  
 3 questions is compound.  
 4 MR. SUSSELMAN: No, it's not.  
 5 MR. MEROUEH: I'd be objecting all day.  
 6 MR. SUSSELMAN: Fine. Then object. It's not a  
 7 compound question.  
 8 MR. MEROUEH: It's compound.  
 9 BY MR. SUSSELMAN:  
 10 **Q Mr. Alsomari, when you say you have to represent the**  
 11 **community, don't you mean you have to represent the**  
 12 **majority of the residents of the community?**  
 13 A I respect the community.  
 14 **Q I understand that. You said that.**  
 15 A Yes.  
 16 **Q When you respect the community, it means you respect the**  
 17 **majority of the community?**  
 18 A I respect the whole community. They told me don't do  
 19 that one.  
 20 **Q The whole community told you that?**  
 21 A They told me, five, six person. They knows for the whole  
 22 community. They vote for me. It's not vote for me the  
 23 whole 28,000 or 5,000 thousand. I respect the people  
 24 when they vote for me.  
 25 **Q Uh-huh.**

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1 A Yeah.  
 2 **Q Did you get 28,000 votes?**  
 3 A No, not 28,000.  
 4 **Q You didn't get it?**  
 5 A I get a little bit.  
 6 **Q But you came in what, third?**  
 7 **You came in third. So you didn't get all the**  
 8 **votes that were cast that day; right?**  
 9 A Yeah, I have to respect -- I have to respect the people  
 10 when they vote for me.  
 11 **Q Well, some people didn't vote for you; right?**  
 12 A Some people they don't vote for me. I respect the people  
 13 that vote for me.  
 14 **Q But you came in third.**  
 15 A I came in third. If I came in third, like a little bit,  
 16 I have to respect those people.  
 17 **Q How many people is that?**  
 18 A I don't know.  
 19 **Q You don't know.**  
 20 A 1,400. 1,300. When they vote for me, I have to respect  
 21 the people. Other people -- the other people, they can  
 22 mention whatever they want. Nothing to do with me.  
 23 **Q But there were people who disagreed with you and**  
 24 **opposed --**  
 25 A They --

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1 **Q Let me finish.**  
 2 A I hear what the people they vote for me.  
 3 **Q Yeah. But there were people that were opposed to display**  
 4 **of the pride -- or supported display of the pride flag.**  
 5 **They spoke at that hearing.**  
 6 **Most of the people that spoke at that hearing**  
 7 **supported display of --**  
 8 A Yeah. They didn't vote for me. When the people, they  
 9 spoke, they --  
 10 **Q Wait a minute. Are you saying that your obligation as a**  
 11 **City Council member is only to represent the people who**  
 12 **voted for you --**  
 13 A Yeah.  
 14 **Q -- but not the entire community, including the people**  
 15 **that didn't vote for you?**  
 16 A I'm part of the community, and --  
 17 MR. MEROUEH: Marc, you interrupted him. You  
 18 interrupted him.  
 19 MR. SUSSELMAN: I didn't interrupt him.  
 20 MR. MEROUEH: You did. And now you're  
 21 mischaracter --  
 22 First of all, most of the people at that pride  
 23 flag resolution hearing were --  
 24 MR. SUSSELMAN: Are you testifying?  
 25 MR. MEROUEH: -- against it.

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1 MR. SUSSELMAN: Are you testifying now?  
 2 MR. MEROUEH: No. You're mischaracterizing  
 3 what happened.  
 4 MR. SUSSELMAN: Are you testifying now?  
 5 MR. MEROUEH: No. I'm telling you that you're  
 6 mischaracterizing, actually --  
 7 MR. SUSSELMAN: No, I'm not.  
 8 MR. MEROUEH: Yes, you are.  
 9 MR. SUSSELMAN: No, I'm not.  
 10 MR. MEROUEH: Not only that, but you're  
 11 interrupting almost --  
 12 Marc, stop screaming.  
 13 MR. SUSSELMAN: You're screaming now.  
 14 MR. MEROUEH: You keep interrupting.  
 15 Because --  
 16 MR. SUSSELMAN: What's your objection?  
 17 MR. MEROUEH: How many times since the last  
 18 time we took a break I told you to stop interrupting? To  
 19 stop --  
 20 MR. SUSSELMAN: I didn't interrupt him. He was  
 21 answering.  
 22 MR. MEROUEH: I cannot keep letting you  
 23 interrupt him, Marc.  
 24 MR. SUSSELMAN: Could you read back --  
 25 MR. MEROUEH: We can't continue this way.

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1 MR. SUSSELMAN: Sharon, please read back my  
 2 question.  
 3 (Record repeated.)  
 4 MR. MEROUEH: He was cut off. He was  
 5 continuing his answer.  
 6 MR. SUSSELMAN: No, he was not.  
 7 MR. MEROUEH: You interrupted his answer.  
 8 MR. SUSSELMAN: No, I didn't.  
 9 MR. MEROUEH: Yes, you did. He was trying to  
 10 explain.  
 11 MR. SUSSELMAN: No, I didn't.  
 12 MR. MEROUEH: Stop doing that or I'm going to  
 13 have to cut this off and we're going to have to go to the  
 14 judge and agree on some ground rules before coming back.  
 15 BY MR. SUSSELMAN:  
 16 **Q Mr. Alsomari, as I understand your testimony, you said**  
 17 **you have to support the people that voted for you;**  
 18 **correct?**  
 19 A Yes.  
 20 **Q When you say that, do you mean that your obligation --**  
 21 **your primary obligation is only to represent the people**  
 22 **that voted for you --**  
 23 **Let me finish my question.**  
 24 **-- but not the people in Hamtramck who didn't**  
 25 **vote for you?**

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1 MR. MEROUEH: Objection. Compound.  
 2 A When I won, I represent for the whole community. When I  
 3 won, I won for the whole community.  
 4 BY MR. SUSSELMAN:  
 5 **Q Yes.**  
 6 A When I won, I have to represent for the whole community.  
 7 But when they got some bad issue, I have to respect my  
 8 community.  
 9 **Q What's your community?**  
 10 A The people they vote for me.  
 11 **Q Let me clarify this. You're saying the community you**  
 12 **have to respect when you vote as a City Council member --**  
 13 A Yeah.  
 14 **Q -- is only those who voted for you; is that what you**  
 15 **said?**  
 16 MR. MEROUEH: Objection. That's not what he  
 17 said. You're mischaracterizing --  
 18 MR. SUSSELMAN: Mr. Odey --  
 19 MS. STACKPOOLE: Stop yelling.  
 20 MR. SUSSELMAN: Mr. Odey is yelling. He is  
 21 yelling --  
 22 MR. MEROUEH: Because I've had enough.  
 23 MR. SUSSELMAN: No.  
 24 MR. MEROUEH: Yeah. He did not say that the  
 25 only reason is the people -- he said when there's a

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1 controversial issue --  
 2 MR. SUSSELMAN: I'm asking him --  
 3 MR. MEROUEH: -- he has to respect the people  
 4 that voted for him.  
 5 MR. SUSSELMAN: Yeah.  
 6 MR. MEROUEH: He said altogether he respects  
 7 everybody in his community --  
 8 MR. SUSSELMAN: Yes.  
 9 MR. MEROUEH: -- and he represents them.  
 10 However, when there's a controversial issue --  
 11 MR. SUSSELMAN: Yes.  
 12 MR. MEROUEH: -- he represents -- he respects  
 13 the people that voted for him.  
 14 MR. SUSSELMAN: Okay.  
 15 MR. MEROUEH: Now, you're asking him again and  
 16 changing it.  
 17 MR. SUSSELMAN: No. All right.  
 18 MR. MEROUEH: I'm sorry. I get it, you're a  
 19 lawyer. I'm a lawyer too. But we're not going to let  
 20 you do it, Marc. I'm going to have to stop you.  
 21 MR. SUSSELMAN: You don't get to say.  
 22 MR. MEROUEH: I do get to say.  
 23 BY MR. SUSSELMAN:  
 24 **Q Mr. Alsomari, on the controversial issue, are you saying**  
 25 **that it's your obligation to represent the views only of**

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- 1 the people that voted for you when it's a controversial  
2 issue?  
3 A I represent for the whole city.  
4 **Q You represent the whole city?**  
5 A The whole city. I working for the whole city.  
6 **Q Yes.**  
7 A I'm working for the whole city, not just only for the  
8 people that vote for me. But this gay flag --  
9 **Q Yes.**  
10 A -- when they came --  
11 **Q Yes.**  
12 A -- I have to respect the community, they vote for me. I  
13 have to respect.  
14 **Q I think it speaks for itself. I think that speaks for**  
15 **itself. Thank you.**  
16 **When you voted for this resolution, did your**  
17 **religious faith as a Muslim in any way influence your**  
18 **decision? In any way?**  
19 A I respect the people, whatever they tell -- when they  
20 came, voted for me, I respect the whole community. Not  
21 other thing.  
22 **Q Well, I thought you said you respect those who vote for**  
23 **you?**  
24 A Yeah. Yeah.  
25 **Q But that's not the whole community; is it?**

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- 1 A They can --  
2 MR. MEROUEH: Again, you're mischaracterizing  
3 what he said. He did not say he represented --  
4 He said many, many, many, many times in this  
5 deposition he represents his whole community.  
6 A Yeah, the whole community.  
7 MR. MEROUEH: He said, specifically, when  
8 there's something controversial, he looks to the people  
9 that voted for him to see what they're thinking because  
10 he respects them as well.  
11 MR. SUSSELMAN: Right.  
12 MR. MEROUEH: Okay.  
13 BY MR. SUSSELMAN:  
14 **Q Was displaying the pride flag, was that a controversial**  
15 **issue?**  
16 A I don't understand.  
17 **Q Well, you said when it's a controversial issue --**  
18 MR. MEROUEH: Maybe that's not the word he  
19 used.  
20 BY MR. SUSSELMAN:  
21 **Q You don't understand what the word "controversial" is?**  
22 A I don't.  
23 **Q An issue upon which there are differences of opinion. Do**  
24 **you understand what that means, "differences of opinion?"**  
25 **You don't understand what that means?**

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- 1 A I don't.  
2 **Q All right.**  
3 MR. SUSSELMAN: I'm done. Hold on.  
4 BY MR. SUSSELMAN:  
5 **Q You used the word "bad issues," not the word**  
6 **"controversial"; right?**  
7 **Bad issues; right?**  
8 A What is that? What do you mean "bad issue"?  
9 **Q You used the word. I don't know. I'm trying to find out**  
10 **from you what it means. You won't tell me.**  
11 A No. But issue when they came, like a gay flag.  
12 **Q That was a bad issue?**  
13 A Yeah.  
14 **Q Okay. And that was a bad issue. And, as I understand**  
15 **your testimony --**  
16 A For me. For me and my family.  
17 **Q For you and your family?**  
18 A Yeah. Not other people.  
19 **Q But it was a bad issue?**  
20 A For me it's not good.  
21 **Q And because it was a bad issue for you --**  
22 A For me.  
23 **Q -- was it an issue where you respect your community and**  
24 **what your community wants you to vote for?**  
25 A I respect the people when they vote for me. I have

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- 1 respect.  
2 **Q Right. So on this bad issue, you respected the people**  
3 **that voted for you. You know what I'm saying?**  
4 A It's not just only the people they vote for me. The  
5 whole community they don't accept this issue.  
6 **Q The whole community?**  
7 A The whole community. Almost, like, 57 neighbors said; 90  
8 percent.  
9 **Q Oh.**  
10 A They didn't accept this issue. It's not --  
11 **Q How do you know it's 70[sic] percent, Mr. Alsomari?**  
12 A We knows --  
13 **Q All right.**  
14 A -- a lot of people.  
15 MR. MEROUEH: Can you please stop cutting him  
16 off. You're done?  
17 MR. SUSSELMAN: Yeah, I'm done.  
18 MR. MEROUEH: Fantastic. Okay.  
19 MR. SUSSELMAN: Can we start the next  
20 deposition?  
21 MR. MEROUEH: I'm not -- no, I don't think we  
22 should do the next deposition. I think the next time we  
23 should do a video deposition.  
24 MR. SUSSELMAN: I'm not paying for a video.  
25 MR. MEROUEH: Well, you can do whatever you

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1 want, but I can't continue with you screaming, cutting,  
 2 off, doing this --  
 3 MR. SUSSELMAN: Get this on the record, please.  
 4 Are you refusing to produce the next witness?  
 5 MR. MEROUEH: I'm refusing to continue with  
 6 your screaming --  
 7 MR. SUSSELMAN: Okay. Really?  
 8 MR. MEROUEH: -- and yelling and acting  
 9 unprofessional in such a manner --  
 10 MR. SUSSELMAN: Oh, yeah.  
 11 MR. MEROUEH: -- that's causing so much drama  
 12 in here that I have never seen before in any deposition.  
 13 MR. SUSSELMAN: Oh, really?  
 14 MR. MEROUEH: These depositions -- this is the  
 15 fifth deposition. We've had problems the whole time. We  
 16 brought it to the judge. The judge told you  
 17 specifically --  
 18 MR. SUSSELMAN: Not just me.  
 19 MR. MEROUEH: Sir, let me finish. If you want  
 20 to put this on the record, I can put it on the record.  
 21 MR. SUSSELMAN: Put it on the record.  
 22 MR. MEROUEH: Yeah. You have had -- this is  
 23 the fifth or sixth deposition. Each deposition has been  
 24 progressively worse.  
 25 We finally did the Mayor. It was fine because

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1 the judge had told you to act in a professional manner.  
 2 MR. SUSSELMAN: We did the Mayor before that.  
 3 MR. MEROUEH: No. We went in front of  
 4 Judge Grant about an issue. Judge Grant told you -- I  
 5 mentioned the Russ Gordon deposition. He told you to  
 6 calm down.  
 7 MR. SUSSELMAN: No, he didn't.  
 8 MR. MEROUEH: Yes, he did. He told you that  
 9 you had to act professionally.  
 10 MR. SUSSELMAN: Both of us.  
 11 MR. MEROUEH: Sure. Of course we both have to  
 12 act professionally.  
 13 MR. SUSSELMAN: Right. Exactly.  
 14 MR. MEROUEH: But he was referring to and your  
 15 antics.  
 16 MR. SUSSELMAN: No, he wasn't. He wasn't  
 17 there.  
 18 MR. MEROUEH: You won't even let me finish  
 19 talking right now.  
 20 Mr. Susselman, we can either do this on video  
 21 or we can't continue.  
 22 MR. SUSSELMAN: We can do it on video --  
 23 MR. MEROUEH: This doesn't work anymore.  
 24 MR. SUSSELMAN: You want to do it on video?  
 25 MR. MEROUEH: Sure.

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1 MR. SUSSELMAN: Then we're going to split the  
 2 cost.  
 3 MR. MEROUEH: No, we're not. It's your  
 4 behavior that's causing this. Why would we pay for it?  
 5 MR. SUSSELMAN: All right. Mr. Meroueh is  
 6 raising his voice. Yelling at me. Accusing me of asking  
 7 compound questions, which are not compound questions.  
 8 Accusing me of interrupting the witness and cutting him  
 9 off, when I'm not.  
 10 And, then, he's trying to make this an issue  
 11 to -- not as an excuse, not to produce a witness that we  
 12 have arranged -- for months now we've tried to get these  
 13 depositions.  
 14 He refused to produce the witnesses originally,  
 15 and we had to go before the judge and he was ordered to  
 16 produce them.  
 17 We arranged for this date to take the  
 18 deposition of three City Council members, and now he's  
 19 refusing to produce the other two. One of whom he said  
 20 he can't produce and now he's refusing to produce the  
 21 other two.  
 22 MR. MEROUEH: Again --  
 23 MR. SUSSELMAN: I'm not done.  
 24 MR. MEROUEH: Oh, excuse me.  
 25 MR. SUSSELMAN: He accuses me of unprofessional

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1 conduct when it was he who's acting unprofessionally.  
 2 And if necessary, we'll take to Judge Lawson.  
 3 And we're not paying for a video dep. We're  
 4 not paying for 50 percent of it, or 33 percent. If he  
 5 wants a video dep, he can pay a hundred percent of it.  
 6 MR. MEROUEH: Again, I did scream at the end  
 7 here because at this point I don't know how many times I  
 8 can tell you to stop. Please stop. Please stop.  
 9 Look, your compound questions were every  
 10 question. We can look at the record. But that's not --  
 11 that's neither here nor there.  
 12 The problem here is, yes, at the end of the day  
 13 I have to protect my witness here. I'm telling you to  
 14 stop bullying him, which you've done the whole time. The  
 15 record can reflect that.  
 16 And, yeah, I'm done with this. I've given you  
 17 numerous chances --  
 18 MR. SUSSELMAN: Well, we have --  
 19 MR. MEROUEH: Excuse me. Let me finish. Please  
 20 let me finish.  
 21 MR. SUSSELMAN: Mr. Meroueh is wrong. He's  
 22 raising his voice.  
 23 MR. MEROUEH: Again, sir, let me finish.  
 24 You know what? We're done. And it's just an  
 25 example of every time --

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1 MR. SUSSELMAN: Sure.  
 2 MR. MEROUEH: Every single deposition has been  
 3 worse except for the Mayor's.  
 4 MR. SUSSELMAN: Let me just say this.  
 5 MR. MEROUEH: I can't continue this,  
 6 Mr. Susseelman.  
 7 MR. SUSSELMAN: This is Mr. Meroueh's tactic --  
 8 MR. MEROUEH: Wrong.  
 9 MR. SUSSELMAN: -- because he wants --  
 10 MR. MEROUEH: Wrong.  
 11 MR. SUSSELMAN: -- to prevent this case from  
 12 going to somebody -- before the judge. That's what he's  
 13 doing.  
 14 MR. MEROUEH: How am I preventing it?  
 15 MR. SUSSELMAN: He's drawing this out as long  
 16 as possible to prevent a Summary Judgment Motion --  
 17 MR. MEROUEH: Why would I --  
 18 MR. SUSSELMAN: -- because you got --  
 19 MR. MEROUEH: How does this prevent that?  
 20 MR. SUSSELMAN: Because you --  
 21 MR. MEROUEH: How does this prevent that?  
 22 Depositions on video, what does that prevent anything? I  
 23 want it done properly.  
 24 MR. SUSSELMAN: I'm not paying for it.  
 25 MR. MEROUEH: Sir, paying for it or not, I want

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1 this done properly with somebody who's acting in a  
 2 professional manner and that's not trying to bully the  
 3 witness every chance he gets.  
 4 Sir, that might be your manner of deposition,  
 5 but it's not going to be allowed here.  
 6 MR. SUSSELMAN: You --  
 7 MR. MEROUEH: I'm not going to let it go  
 8 forward.  
 9 MR. SUSSELMAN: -- have to allow --  
 10 MR. MEROUEH: We're not doing any more  
 11 depositions today.  
 12 MR. SUSSELMAN: I'll have to --  
 13 MR. MEROUEH: We're done.  
 14 MR. SUSSELMAN: I have a client here who's a  
 15 witness as to what happened during --  
 16 MR. MEROUEH: Sure. Your client is a witness  
 17 for all --  
 18 MR. SUSSELMAN: -- and she will testify.  
 19 MR. MEROUEH: We can bring the Court Reporter  
 20 as well. Sir, I mean, I'm sorry, but you are out of  
 21 line --  
 22 MR. SUSSELMAN: Yeah.  
 23 MR. MEROUEH: -- and I have exactly -- like I  
 24 said before, I haven't had a deposition like this since I  
 25 first became an attorney. No one has conducted

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1 themselves in a manner as you have.  
 2 And I understand you're trying to get answers.  
 3 I understand you get frustrated. But you're an attorney,  
 4 an officer of the court, you should act in that manner.  
 5 We're done.  
 6 MR. SUSSELMAN: I have.  
 7 MR. MEROUEH: Goodbye.  
 8 MR. SUSSELMAN: I have.  
 9 MR. MEROUEH: We're done.  
 10 MR. SUSSELMAN: Obviously, I want a copy.  
 11 (Concluded at 12:48 p.m.)  
 12 ---  
 13  
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1 STATE OF MICHIGAN )  
 2 ) SS.  
 3 COUNTY OF WAYNE )  
 4 CERTIFICATE OF NOTARY PUBLIC  
 5 I, Sharon Julian, a duly commissioned and  
 6 qualified Notary Public for the County of Wayne, State of  
 7 Michigan, do hereby certify that the witness, whose  
 8 attached testimony was taken by me in the entitled cause  
 9 on Thursday, August 22, 2024, was by me first duly sworn  
 10 to testify the whole truth in the aforesaid cause, that  
 11 the testimony contained herein was taken down by me in  
 12 machine shorthand, transcribed upon a computer under my  
 13 personal supervision, and is a true and correct  
 14 transcript of the whole of the testimony given by said  
 15 witness.  
 16 I do further certify that I am not connected by  
 17 blood or marriage with any of the parties or their  
 18 attorneys; that I am not an employee of any of them nor  
 19 interested directly or indirectly in the matter in  
 20 controversy, as counsel, attorney, or otherwise.  
 21 IN WITNESS WHEREOF, I have hereunto set my hand  
 22 at Dearborn, County of Wayne, State of Michigan, this  
 23 27th day of August, 2024.  
 24  
 25

Sharon Julian, CSR-3915  
 Certified Shorthand Reporter  
 Registered Professional Reporter  
 Notary Public, Wayne County, Michigan  
 My Commission expires: January 21, 2027

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## **EXHIBIT 13**



2:21-cv-11940

United States District Court, E.D. Michigan, Southern Division

**State Farm Mut. Auto. Ins. Co. v. Hakki**

Decided Mar 14, 2024

2:21-cv-11940

03-14-2024

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, Plaintiff, v. SAM HAKKI, M.D., et al., Defendants.

ANTHONY P. PATTI UNITED STATES MAGISTRATE JUDGE.

Shalina D. Kumar, District Judge.

**REPORT AND RECOMMENDATION TO GRANT PLAINTIFF'S MOTIONS FOR CASE-TERMINATING SANCTIONS AGAINST DEFENDANT NABIL BEYDOUN (ECF NO. 122) AND DEFENDANTS MIDWEST MEDICAL LAB LLC AND FOUAD BEYDOUN (ECF NO. 131)**

ANTHONY P. PATTI UNITED STATES MAGISTRATE JUDGE.

**I. RECOMMENDATION:** The Court should **GRANT** Plaintiff's motions for case-terminating sanctions against Defendant Nabil Beydoun (ECF No. 122) and Defendants Midwest Medical Lab LLC and Fouad Beydoun (ECF No. 131) and enter default judgment against Defendants Nabil Beydoun, Midwest Medical Lab LLC, and Fouad Beydoun.

**II. REPORT:**

**A. Background**

Plaintiff filed its complaint in this case on August 20, 2021 (ECF No. 1), and the case was assigned to United States District Judge Denise Page Hood.

2 Plaintiff \*2 alleges Defendants Nabil Beydoun and Fouad (a/k/a Frank) Beydoun own Star Pain, a pain management clinic, and they, among other Defendants, implemented a treatment protocol designed to funnel patients from pain clinics (including Star Pain) for medically unnecessary urine drug tests ("UDTs") at laboratories, including Defendants Midwest Medical Lab LLC ("MML"), which is also owned by Fouad Beydoun. (See ECF 1, PageID.4-6, PageID.11-12, PageID.15-18.) Plaintiff further alleges that Nabil Beydoun and Fouad Beydoun had ownership interests in, or connections to, numerous other entities and successor entities involved in the fraud scheme, as detailed in Plaintiff's Complaint. (See ECF 1, PageID.21-24.)

**1. Motion Practice**

**a. Prior Discovery-Related Motions and Orders**

On September 26, 2022, Plaintiff filed its first motion to compel against Defendants Star Pain Management & Rehab LLC, Midwest Medical Lab LLC, Fouad Beydoun, Nabil Beydoun, and Horst Griesser, M.D, asking the court to compel Defendants to provide full and complete answers to State Farm Mutual's First Set of Interrogatories. (ECF No. 83.) Plaintiff asserted that after giving two full months of extensions to reply to the interrogatories, Defendants did not answer any of the interrogatories. (ECF No. 83, PageID.1188.) The motion was referred to me for determination. (ECF No. 84.) Defendants did not respond to the motion, \*3 and it was granted as unopposed. Defendants were ordered to respond to all outstanding interrogatories by October 27, 2022.



On October 18, 2022, Plaintiff filed a second motion to compel against the same Defendants, this time seeking full and complete responses to Plaintiff's First and Second sets of Document Requests. (ECF No. 86.) After receiving multiple extensions to the document requests, Defendants returned responses, with no objection, in which they responded to every request that "to the extent the requested documents exist and are under his custody or control, inspection and related activities will be permitted as requested at a time and place that is mutually convenient for the parties and their respective counsel." (ECF No. 86, PageID.1290.) After several attempts by Plaintiff's counsel to reach Defendants' counsel to discuss the responses, defense counsel still had not responded, forcing Plaintiff to file another motion to compel. (ECF No. 86.) Judge Hood referred this motion to me as well. (ECF No. 90.) Again, Defendants did not file a response to the motion, and it was granted as unopposed. (ECF No. 92.) Defendants were ordered to produce the requested documents by November 22, 2022. (ECF No. 92.)

For both orders to compel, I also found that Plaintiff was entitled to reasonable expenses, including attorney fees associated with preparation of the motions pursuant to [Fed.R.Civ.P. 37\(a\)\(5\)](#) (A). (ECF Nos. 85, 92.) The Court <sup>\*4</sup> awarded attorney fees on December 27, 2022, requiring full payment by January 24, 2023. (ECF No. 96.)

Defendants did not comply with either of the Court's orders, and did not produce any documents or provide any interrogatory responses, so Plaintiff filed its first motion for sanctions which was also referred to me. (ECF No. 94, 105.) Once again, Defendants did not file an opposition brief to the motion for sanctions, and instead provided *some*, but not all responses to the outstanding discovery requests. (ECF No. 100, PageID.1522.) Moreover, those responses that were provided were inadequate and incomplete. (*Id.*) Around this point in the litigation, Defendants obtained new counsel. (See 1/06/2023 Minute Entry, granting a motion to withdraw & ECF No. 97.) Defendants MML and

Fouad Beydoun are now represented by Matthew John Sklut, and Nabil Beydoun is proceeding *pro se*.

I held a hearing on the pending motion for sanctions and an unrelated motion to compel, and granted the motion for sanctions. At the hearing on the motion, counsel for Defendants MML and Fouad Beydoun indicated that he was new to the case, and understood that there had been significant delays, but represented that he was in the process of rapidly preparing responses to the outstanding discovery requests. (ECF No. 117, PageID.1885.) Counsel asked for seven days to prepare the discovery, which the Court granted. However, the Court also cautioned counsel that "[t]his is going to be what I call a last chance order" and that if <sup>\*5</sup> Plaintiff had to return to court for yet another motion to compel or for sanctions, then Defendants could expect repercussions under [Federal Rule of Civil Procedure 37\(b\)](#). (ECF No. 117, PageID.1886.) The Court stated, "there's a whole list of sanctions that are suggested as possibilities, although, I can be more creative than that, and I have been, up to and including default that the Court can award or recommend." (*Id.*) The Court instructed counsel to go over with his clients that should they find themselves before the Court on this matter again, "what they're facing is the possibility of some pretty severe sanctions that could seriously change this case for them and ... make them unable to defend themselves in the ways they would like to, and maybe defend themselves at all if I recommend default." (ECF No. 117, PageID.1886.) Although the Court was speaking to counsel for MML and Fouad Beydoun, Nabil Beydoun was also in the courtroom, representing himself *pro se*, and was subject to the same motion. The Court ruled from the bench and then issued a brief order summarizing its findings.

Specifically, the Court held that "Defendants Midwest Medical Lab LLC, Fouad Beydoun, and Horst Griesser, M.D., must produce the discovery referenced in the Court's October 17, 2022 and

November 8, 2022 orders granting Plaintiff's prior motions to compel (ECF Nos. 85, 92) by Thursday, March 23, 2023 (based on the representation made by their counsel), while Defendant Nabil Beydoun must do so by Monday, April 17, 2023." (ECF No. 114, PageID.1870, emphasis \*6 omitted.) The Court also ordered that should Defendants fail to meet those deadlines, they were required to pay Plaintiff \$300 per diem until the discovery was produced. (ECF No. 114, PageID.1871.)

#### **b. The Pending Motions for Case-Terminating Sanctions**

Less than two months later, Plaintiff filed another motion for sanctions. In its May 1, 2023 motion for sanctions, Plaintiff requests case-terminating sanctions against *pro se* Defendant Nabil Beydoun. Plaintiff asserts that despite two motions to compel, one motion for sanctions, and three court orders to do so, Defendant Nabil Beydoun had yet to produce a single document or respond at all to Plaintiff's interrogatories or requests for production. (ECF No. 122, PageID.1944.) Plaintiff's counsel indicates that she had a telephone conference with Nabil Beydoun on April 21, 2023, in which Defendant agreed to provide responses by the end of the day on April 25th. Plaintiff's counsel further represents that Defendant was told that if no responses were received, Plaintiff would be seeking case-terminating sanctions against Defendant. (ECF No. 122, PageID.1944-45.) Mr. Beydoun sought yet another extension on April 25, which Plaintiff granted, but then once again nothing was provided, causing Plaintiff to file the currently pending motion for sanctions.

About seven weeks later, Plaintiff filed a motion for case-terminating sanctions against Defendants MML and Fouad Beydoun. (ECF No. 131.) In this \*7 motion, Plaintiff asserts that Defendants did not timely comply with the Court's order to produce the outstanding responses, and then when responses were finally provided they were

incomplete, minimally responsive, and evasive. (ECF No. 131, PageID.1992.) According to Plaintiff, after the incomplete responses were provided, the parties began active settlement discussions, but when those fell apart, Plaintiff was forced to bring the instant motion for sanctions.

No response was filed to either motion for sanctions, and both motions were set for a hearing on January 17, 2024 in front of Judge Hood. (ECF No. 136, and 10/18/2023 Text Entry.) Shortly after the hearing was set, the case was reassigned from Judge Hood to District Judge Shalina D. Kumar. (See 11/17/2023 Text Entry.) Judge Kumar referred all discovery matters to me on December 5, 2023. (ECF No. 145.)

#### **2. February 1, 2024, Motion Hearing**

After the motions were referred to me, I scheduled a hearing on them for February 1, 2024. (ECF No. 146.) On the same day - *six weeks in advance of the hearing* - that I issued the Notice of Hearing, I entered a Text Order, stating:

Plaintiff has moved for case ending sanctions against Defendants Nabil Beydoun, Midwest Medical Lab LLC and Fouad Beydoun. (ECF Nos. 122, 131.) The Court will hold a hearing to consider these motions on Thursday, February 1, 2024 at 10 a.m. in Courtroom No. 672. These Defendants are HEREBY WARNED, for at least the second time (see ECF No. 117, PageID.1886), that the present motions place them at risk of all sanctions listed in [Fed.R.Civ.P. 37\(b\)\(2\)](#), up to and including being found in contempt of Court and having a default judgment entered against them.

\*8

Failure of the PARTIES AND THEIR ATTORNEYS to appear for the hearing shall be considered in determining the motion. The parties are strongly encouraged, between now and the hearing, to explore whether the case against the three Defendants at issue in these motions can be resolved by consent judgment or otherwise. It is SO ORDERED.

(12/13/23 Text Order.)

The hearing convened on February 1, 2024, thirty minutes late, as the Court attempted to give additional time for the relevant individual defendants to arrive. Nonetheless, neither Fouad Beydoun nor Nabil Beydoun appeared for the hearing, despite being ordered to do so. Notwithstanding the fact that the Court gave six weeks' notice and Fouad Beydoun had been made aware "of this hearing and the consequences potentially of failing to appear" not the mere day before, but "some time ago," Fouad Beydoun was "out of the country," apparently, in Iraq. (ECF No. 163, PageID.3086-3087, 3098.)

Matthew Sklut, attorney for Fouad Beydoun and MML,<sup>1</sup> indicated that he had written "several" letters to Mr. Beydoun (who is also the client representative of MML) advising him of the particular hearing, its significance, and the potential consequences of failing to appear. (*Id.* at PageID.3086.) He stated that Defendant \*9 Nabil Beydoun, who is not his client, had called him the day before the hearing to inform counsel that Fouad Beydoun was out of the country and would not be appearing. (*Id.*) Significantly, by making that representation, Defendant Nabil Beydoun implicitly acknowledged that he himself was personally aware of the fact that the hearing was scheduled for the following day.

<sup>1</sup> On January 24, 2024, counsel for Defendants Fouad Beydoun and MML filed a motion to withdraw, stating that Defendants have failed to "substantially fulfill their obligations to Counsel

regarding Counsel's services - including payment and reasonably maintaining communication." (ECF No. 154, PageID.2899.) This motion remains pending and until it is resolved, Mr. Sklut of the Moubarak Law Firm remains counsel of record.

Counsel further stated that he has consistently had trouble communicating with Fouad Beydoun, that early in his representation he had worked with Mr. Beydoun to finalize responses to interrogatories, and he had sent Mr. Beydoun a copy for him to sign and return, but Mr. Beydoun never returned them. (ECF No. 163, PageID.3088.) Counsel stated it was his impression that he was not refusing to cooperate but that he was simply negligent. Counsel also stated that he had "repeatedly advised his clients as far as the severity of the situation, not only as far as this lawsuit is concerned, but also with regard to obeying the court, court's orders, the court's directives and the potential for contempt, and it's all been exhaustively relayed to Mr. Beydoun." (ECF No. 163, PageID.3088-89.) Counsel confirmed that his document production was not supplemented as ordered by the Court. (ECF No. 163, PageID.3089.)

When asked why some of the interrogatories responses were deficient, specifically with regard to failing to list companies with which Mr. Fouad was associated, counsel stated that his client is "lackadaisical" with his businesses, that \*10 counsel "truly believed" that his client had his "hand in so many different cookie jars" that he would not remember off the top of his head and that he did not appear to do further investigation (which was "ancillary at best") other than what he knew from memory. (ECF No. 163, PageID.3090-91.)

With respect to the motion against Nabil Beydoun, he too did not appear at the hearing, although he obviously was fully aware of it. Mr. Sklut advised the Court that when he spoke with Nabil Beydoun, Mr. Beydoun had indicated that he would "try to

make it” to the hearing, but that he “had some other conflicts in his schedule.” (ECF No. 163, PageID.3099.) Counsel for Plaintiff confirmed that she still did not have any interrogatory responses whatsoever, and no documents, “none at all,” since the requests were first served almost a year and a half ago. (ECF No. 163, PageID.3106.) According to Plaintiff’s counsel, in advance of the hearing she spoke with Nabil Beydoun and Mr. Beydoun stated that “he’d happily provided ‘NA, NA, NA’ next to each of the responses” and that Mr. Beydoun’s position is that “he doesn’t think it’s worth his time or expense.” (ECF No. 163, PageID.3100.) Plaintiff’s counsel believes that Nabil Beydoun is in the United States “as far as” she knows, but has “no idea where he is.” (*Id.* at PageID.3099.)

## B. Standard

Rule 37(b)(2) provides that where a party “fails to obey an order to provide or permit discovery ... the court where the action is pending may issue further just \*11 orders[,]” including, but not limited to, “prohibiting the disobedient party from supporting or opposing designated claims or defenses, ... striking pleadings in whole or in part[,] ... dismissing the action or proceeding in whole or in part[,] ... [or] rendering a default judgment against the disobedient party.” Fed.R.Civ.P. 37(b)(2). A court may also, in addition to or as an alternative to the abovementioned orders, direct “the disobedient party, the attorney advising that party, or both to pay the reasonable expenses, including attorney’s fees, caused by the failure” to comply with the court order. Fed.R.Civ.P. 37(b)(2)(C).

In addition, this Court also has the inherent authority to sanction litigants who disobey judicial orders, which “derives from its equitable power to control the litigants before it and to guarantee the integrity of the court and its proceedings.” *Dell, Inc. v. Elles*, No. 07-2082, 2008 WL 4613978, at \*2 (6<sup>th</sup> Cir. June 10, 2008) (citing *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-50 (1991)). In *Dell*,

*Inc. v. Advicon Computer Services, Inc.*, No. 06-11224, 2007 WL 2021842, at \*5-6 (E.D. Mich. July 12, 2007), Judge Lawson explained the reach of the Court’s power to enter a default judgment in cases of a party’s egregious and repeated disregard of court orders:

Although Federal Rule of Civil Procedure 37(b)(2)(C) authorizes the Court to enter default judgment as a discovery sanction, there is no Rule or statute that authorizes entry of default judgment based on a party’s failure to obey court orders in general. Nevertheless, it is well-established that a federal court has the inherent authority to grant such

\*12

relief when the circumstances warrant as much. *See In re Sunshine Jr.Stores, Inc.*, 456 F.3d 1291, 1304-06 (11<sup>th</sup> Cir. 2006) (upholding entry of default judgment as proper use of court's inherent authority where party failed to respond to court orders, failed to appear before the court, and failed to engage in court-ordered discovery); *Thomas,Head, & Griesen Employees Trust v. Buster*, 95 F.3d 1449, 1457-59 (9<sup>th</sup> Cir. 1996) (upholding entry of default judgment based on inherent authority where party completely ignored the terms of an injunctive order and other court orders); *Shepherd v. American BroadcastingCos., Inc.*, 62 F.3d 1469, 1472 (D.C. Cir. 1995) (“As old as the judiciary itself, the inherent power enables courts to protect their institutional integrity and to guard against abuses of the judicial process with contempt citations, fines, awards of attorneys' fees, and such other orders and sanctions as they find necessary, including even dismissals and default judgments.”); see also *Chambers v. NASCO,Inc.*, 501 U.S. 32, 47-50, 111 S.Ct. 2123, 115 L.Ed.2d 27 (1991) (discussing the broad scope of a court's inherent authority.)

A court must consider four factors when determining whether a plaintiff's complaint should be dismissed or default judgment rendered pursuant to Rule 37: (1) whether the party's failure to cooperate in discovery is due to willfulness, bad faith, or fault; (2) whether the party's adversary was prejudiced by the party's failure to cooperate in discovery; (3) whether the party was warned that failure to cooperate could lead to dismissal; and (4) whether less drastic sanctions were imposed or considered before dismissal was ordered. *United States v. Reyes*, 307 F.3d 451, 458 (6<sup>th</sup> Cir. 2002); *Bank One of Cleveland, N.A. v. Abbe*, 916 F.2d 1067, 1073 (6<sup>th</sup> Cir. 1990). “The same analytical framework is appropriate in

assessing whether entry of a default judgment is the appropriate sanction for disobedience of judicial orders.” *Gordon v. Enhanced Acquisitions LLC*, No. 14-13839, 2017 WL 2389968, at \*2 (E.D. Mich. May 11, 2017) \*13 (citing *Dell*, at \*6 (“The Court finds that [the Rule 37] factors apply equally to a default judgment entered under its inherent authority.”)), *report and recommendation adopted*, 2017 WL 2377501 (E.D. Mich. June 1, 2017). Nevertheless, the use of default judgment against a defendant under Rule 37(b)(2)(A)(vi) is an extreme sanction. *See Buck v. U.S. Dep't of Agriculture, Farmers Home Admin.*, 960 F.2d 603, 607-08 (6<sup>th</sup> Cir. 1992). “Although no one factor is dispositive, dismissal is proper if the record demonstrates delay or contumacious conduct.” *Reyes*, 307 F.3d at 458.

### C. Analysis

For the reasons stated below, I conclude that the four factors support an award of default judgment.

#### 1. Willfulness or Bad Faith

“To support a finding that a [party's] actions were motivated by willfulness, bad faith, or fault under the first factor, the [party's] conduct ‘must display either an intent to thwart judicial proceedings or a reckless disregard for the effect of his conduct on those proceedings.’” *Schafer v. City of Defiance Police Dep't*, 529 F.3d 731, 737 (6<sup>th</sup> Cir. 2008) (citation omitted); *Harmon v. CSX Transp., Inc.*, 110 F.3d 364, 368 (6<sup>th</sup> Cir. 1997) (holding that failure to respond to discovery requests and the court's subsequent order constitutes contumacious conduct). The record here amply supports a finding of bad faith and contumacious conduct.

14 \*14

Despite the fact that this matter has been pending since 2021, Plaintiff has yet to receive full and complete discovery responses from Defendants Fouad Beydoun and MML, and has yet to receive *any responses whatsoever* from Defendant Nabil Beydoun. Defendants have wholly failed to respond *at all* to two motions to compel (ECF



Nos. 86, 94) and two motions for sanctions (ECF Nos. 100, 122 & 131). Defendants have further failed to abide by this Court's two Text Orders compelling complete discovery responses (ECF Nos. 85, 92), the Court's order granting the first motion for sanctions which required Defendants to supplement and fully respond to the outstanding requests (ECF No. 114), and the Court's order to appear for the hearing (12/13/23 Text Order). They also failed to pay any of the \$300 per diem penalty previously ordered in connection with their ongoing failure to respond to discovery. (ECF No. 163, PageID.3105; ECF No. 114, PageID.1871.) Their behavior is beyond "lackadaisical" or "neglectful" and instead displays a consistent intent to thwart the judicial process, recklessly disregard their obligations, and knowingly disobey this Court's orders. This factor therefore weighs strongly in favor of entry of a default judgment.

## 2. Prejudice to the Opposing Party

15 "A party is prejudiced when it is 'unable to secure the information requested' and 'required to waste time, money, and effort in pursuit of cooperation which [the opposing party] was legally obligated to provide.'" *Barron v. Univ. of Michigan*, \*15 613 Fed.Appx. 480, 485 (6<sup>th</sup> Cir. 2015) (quoting *Harmon*, 110 F.3d at 368). Plaintiff's ability to litigate this action has been completely frustrated by Defendants' inaction. This case was filed in 2021, but Plaintiff has received only limited, incomplete, unsigned discovery responses (and then only after Court order), has been unable to depose Defendants, and the time for discovery is nearly closed. The lack of written discovery would prevent any kind of meaningful deposition in a high stakes litigation such as this one, and there is every indication that in any event Defendants would fail to appear for a deposition, be "out of the country," have other unspecified conflicts that they prioritize higher than federal court orders, or fail to fully answer any questions in the unlikely event they *did* appear for a deposition.<sup>2</sup> Plaintiff has had to expend significant resources pursuing

this litigation and has wasted "time, money, and effort in pursuit of cooperation which [Defendants were] legally obligated to provide." *Harmon, Inc.*, 110 F.3d at 368 (affirming dismissal of complaint as sanction for failure to cooperate with discovery and for failure to prosecute). The Rules and this Court's orders entitle Plaintiff to full discovery, but 16 that was denied due to Defendants' \*16 discovery misconduct. The prejudice factor favors the entry of default judgment here.

<sup>2</sup> Plaintiff may nonetheless still attempt to pursue a deposition, and the Court has already ordered that in any such deposition Plaintiff "may exceed the 7 hour, one day limitation found in Fed.R.Civ.P. 30(d)(1) and instead will be allowed up to two full days per deponent, 7 hours each day, which need not occur consecutively." ((2/01/24 Text Order.) The Court did so in anticipation that even if Plaintiff somehow manages to get these Defendants to sit for their depositions, the predictable run-around will continue. (ECF No. 163, PageID.3101-02.)

## 3. Whether the Defendant was Warned

Although "[t]here is no magic-words prerequisite to dismissal [or default judgment] under Rule 37(b)," *Universal Health Grp. v. Allstate Ins. Co.*, 703 F.3d 953, 956 (6<sup>th</sup> Cir. 2013), I find that Defendants here have been warned numerous times that they were facing a possible default judgment, including:

(1) During the hearing on the first motion to compel where the Court advised that should Defendants find themselves before the Court on this matter again they would be facing “the possibility of some pretty severe sanctions” including the possibility of default. (ECF No. 117, PageID.1886.) Indeed, the Court specifically stated “[t]his is going to be what I call a last chance order” and that if Plaintiff had to return to court for yet another motion to compel or for sanctions than Defendants could expect repercussions under [Federal Rule of Civil Procedure 37\(b\)](#). (ECF No. 117, PageID.1886.)

(2) In the Court's December 13, 2023 Text Order, requiring Defendants to be present at the February 1, 2024 hearing and stating that the “present motions place them at risk of all sanctions

17 \*17

listed in [Fed.R.Civ.P. 37\(b\)\(2\)](#) up to and including being found in contempt of Court and having a default judgment entered against them.” (12/13/23 Text Order.)

(3) According to Defendant's counsel, he advised Fouad Beydoun in several letters of the significance of the matter before the Court and the potential consequences of failing to appear (ECF No. 163, PageID.3086). Counsel also stated that he “repeatedly advised his clients as far as the severity of the situation, not only as far as this lawsuit is concerned, but also with regard to obeying the court, court's orders, the court's directives and the potential for contempt, and it's all been exhaustively relayed to Mr. Beydoun.” (ECF No. 163, PageID.3088-89.)

(4) Finally, at the February 1, 2024 hearing, Defendants' counsel was provided every opportunity to argue why a default judgment should not be entered against Defendants. Had Nabil Beydoun appeared, he too would have been provided the same opportunity.

Accordingly, Defendants have been warned several times, have previously been sanctioned in the form of attorney's fees and costs, and were clearly on notice that their misconduct could result in entry of a default judgment. This factor weighs  
18 in favor of the sanction. \*18

#### **4. Whether Less Drastic Sanctions were Imposed or Considered**

Finally, I conclude that no lesser sanction is warranted. In addition to being warned that a default judgment was a possibility, Defendants were previously given lesser sanctions in my orders granting Plaintiff's unopposed motions to compel, and a lesser sanction in my order granting the first motion for sanctions. Specifically, the Court issued orders ruling that all of Defendants' objections to Plaintiff's interrogatories were waived and awarding costs and attorney's fees. (ECF Nos. 85, 92.) Additionally, when granting the first motion for sanctions, I not only awarded attorney's fees, but I also ordered that should Defendants fail to meet those deadlines, they were required to pay Plaintiff \$300 per diem until the discovery was produced (an amount, incidentally, which has not been paid). (ECF No. 114, PageID.1871; ECF No. 164, PageID.3105.) None of these sanctions have worked. It is clear that Defendants have treated their discovery obligations and the Court's orders as elective, which cannot be tolerated. Indeed, “[d]iscovery abusers must be sanctioned, because ‘[w]ithout adequate sanctions, the procedures for discovery would be ineffectual.’” *Grange Mut. Cas. Co. v. Mack*, 270 [Fed.Appx. 372, 378](#) (6th Cir. 2008) (affirming default judgment) (quoting 8A Wright, Miller & Marcus, *Federal Practice and Procedure*

§ 2281 (2d ed. 1994)); *see also Nat'l Hockey League v. Metro. Hockey Club, Inc.*, 427 U.S. 639, 643 (1976) (noting, in a case arising under Rule 37(b) sanctions, that “the most severe in the spectrum of \*19 sanctions provided by statute or rule must be available to the district court in appropriate cases, not merely to penalize those whose conduct may be deemed to warrant such a sanction, but to deter those who might be tempted to such conduct in the absence of such a deterrent.”) Here, the Court can fathom no sanction that will result in appropriate compliance by Defendants, sufficiently address Defendants' behavior and deter further conduct of this ilk, other than the entry of default judgment.

Accordingly, all four factors strongly support the imposition of a default judgment against Defendants.

### C. Conclusion

For the reasons stated above, the Court should **GRANT** Plaintiff's motions for case-terminating sanctions against Defendant Nabil Beydoun (ECF No. 122) and Defendants Midwest Medical Lab LLC and Fouad Beydoun (ECF No. 131) and enter default judgment against Defendants Nabil Beydoun, Midwest Medical Lab LLC, and Fouad Beydoun. The default judgment should be held against those three Defendants ONLY with respect to this ruling.

### III. PROCEDURE ON OBJECTIONS

The parties to this action may object to and seek review of this Report and Recommendation, but are required to file any objections within 14 days of service, as provided for in [Federal Rule of Civil Procedure 72\(b\)\(2\)](#) and Local Rule 72.1(d). \*20 Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 144 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 508 (6<sup>th</sup> Cir. 1991). Filing objections that raise some issues but fail to raise others with specificity will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Sec'y of Health & Human Servs.*, 931 F.2d 390, 401 (6<sup>th</sup> Cir. 1991); *Smith v. Detroit Fed'n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6<sup>th</sup> Cir. 1987). Pursuant to Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

Any objections must be labeled as “Objection No. 1,” and “Objection No. 2,” *etc.* Any objection must recite precisely the provision of this Report and Recommendation to which it pertains. Not later than 14 days after service of an objection, the opposing party may file a concise response proportionate to the objections in length and complexity. [Fed.R.Civ.P. 72\(b\)\(2\)](#); E.D. Mich. LR 72.1(d). The response must specifically address each issue raised in the objections, in the same order, and labeled as “Response to Objection No. 1,” “Response to Objection No. 2,” *etc.* If the Court determines that any objections are without merit, it may rule without awaiting the response.



## **EXHIBIT 14**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DELL, INC.,

Plaintiff,

Case Number 06-11224

v.

Honorable David M. Lawson

ADVICON COMPUTER SERVICES, INC, and  
DANIEL ELLES,

Defendants.

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**OPINION AND ORDER DENYING MOTION TO SET ASIDE ORDER,  
GRANTING MOTION FOR DEFAULT JUDGMENT, AND  
ORDERING DEFENDANT TO APPEAR FOR CREDITOR'S EXAM**

At one time, the defendants in this case, Daniel Elles and the company he operates, Advicon Computer Services, Inc., were authorized Dell computer dealers. After that relationship terminated, the plaintiff demanded that the defendants cease representing themselves as such and desist in displaying Dell's logos and trademarks. When the defendants failed to abide this request, the plaintiff filed the present lawsuit. The Court has granted the relief the plaintiff requests, but for the better part of a year the plaintiff has not been able to secure compliance by the defendants. Although a default judgment was entered against Advicon in September 2006, and Elles has been found in contempt on several occasions, the defendants have continued to ignore this Court's orders. The plaintiff now seeks a default judgment against defendant Elles that can be enforced through traditional collection proceedings. In light of Elles's repeated failure and refusal to comply with the Court's directives, the Court finds that it is necessary to impose the requested sanction of default judgment against him.

Elles claims that he has not received court papers in this matter and moves to set aside the latest contempt finding on that basis. The Court must reject this excuse because all papers were served on the defendant at the address he registered with the Clerk; if papers in this case were sent to the wrong address, it is due to Elles's failure to follow clear instructions to change his address with the Clerk. The Court therefore will deny Elles's motion to set aside this Court's order adopting a report and recommendation finding him in contempt and grant the plaintiff's motion for default judgment. The Court will also order Elles to appear for a creditor's examination.

I.

The plaintiff commenced this case alleging trademark infringement on March 22, 2006, and the matter was originally signed to the Honorable Julian Abele Cook. The complaint alleged that Elles and Advicon had falsely advertised Advicon as an authorized Dell sales and service center and had displayed Dell's trademark in furtherance of that misrepresentation. On September 14, 2006, Judge Cook entered default judgment against defendant Advicon for failure to answer or otherwise respond. Judge Cook also entered a permanent injunction against Advicon barring it from using any of Dell's marks.

The matter was reassigned to this Court on September 19, 2006. On September 28, 2006, the Court entered an order requiring the defendants to show cause why they should not be held in contempt of court for ignoring the terms of the permanent injunction. The Court held a hearing on the matter on October 12, 2006, which was attended by Daniel Elles, and the Court issued an order that day holding defendant Advicon in civil contempt. The Court indicated that the contempt could be purged by the defendants removing the offending signage and compensating the plaintiff for its costs and fees incurred in connection with the contempt proceedings.

It appears that the defendants complied with that order, at least temporarily. However, on December 14, 2006, the plaintiff filed a motion requesting that the Court hold the defendants in contempt for a second time. The motion was premised on defendant Elles's failure to appear for a properly noticed deposition. The Court referred the matter to Magistrate Judge Morgan, who held a show cause hearing on March 5, 2007. On March 12, 2007, Magistrate Judge Morgan issued an opinion and order conditionally declining to hold the defendants in contempt, provided that Elles promptly appear for a deposition and remit \$3,000 as a discovery sanction. The magistrate judge's order recommended that the Court enter a default judgment against Elles if he failed to satisfy these obligations.

Despite the clear message that the Court's orders must be observed, Elles continued to behave in utter disregard of them. On March 30, 2007, the plaintiff filed a third motion seeking to hold the defendants in contempt, alleging that Elles had moved Advicon's shop three tenths of a mile down the road and posted the very same signs that had been the subject of the permanent injunction. The plaintiff's allegation, supported by ample documentary evidence, was found to be true by Magistrate Judge Morgan following a hearing held on May 7, 2007. In her report, Magistrate Judge Morgan recommended that the Court hold the defendants in further contempt because Elles "knowingly, intentionally, and in violation of the injunctions [undertook] a series of efforts to continue to represent Advicon as a Dell approved dealer and/or repair center." Report and Recommendation [dkt# 50] at 1. She also recommended that Elles's actions in moving the Advicon shop, changing Advicon's business form from a corporation to a sole proprietorship, and changing its name from "Advicon, Inc." to "Advicon II" were not sufficient to excuse Elles's noncompliance with the terms of the permanent injunction because the injunction bound Advicon and its principals,

including Elles himself. Magistrate Judge Morgan therefore ordered the defendants to remove and destroy all of the offending signage, ordered Elles to appear for a creditor's exam, and ordered the defendants to remit \$18,751.76 to the plaintiff's counsel as a discovery sanction and as a sanction for non-compliance with the injunction.

The Court adopted the magistrate judge's recommendation on May 31, 2007 and held the defendants in civil contempt. The Court ordered that the defendants could purge the contempt by satisfying the conditions set forth in the magistrate judge's order, as well as recalling from those within their control all Dell-related products and materials of an infringing nature, turning over the same to Dell for destruction, and filing with the Court and serving on the plaintiff's counsel a report attesting to the completion of these obligations.

The defendants failed to satisfy any of these terms and apparently ignored them in whole. This prompted the plaintiff to file yet another motion seeking to hold the defendants in contempt. In that motion, the plaintiff also requested that the Court enter a default judgment against Elles for the amounts that Elles and Advicon had been ordered to pay on the grounds that any relief short of that would be ignored. The Court entered an order setting the matter for a hearing on June 28, 2007 and directing that the plaintiff personally serve a copy of the order on each of the defendants on or before June 22, 2007. The plaintiff filed proofs of service on June 22, 2007, affirming that the Court's order had been personally served on each of the defendants on June 21, 2007. On June 22, 2007, defendant Elles filed a motion to set aside this Court's order of May 31, 2007 adopting Magistrate Judge Morgan's Report and Recommendation and holding the defendants in contempt.



The show cause hearing occurred as scheduled on June 28, 2007, but Elles failed to appear. After hearing from the plaintiff, the Court stated that it would take under advisement the plaintiff's motion to enter a default judgment against defendant Elles. Before finally ruling on the matter, the Court explained that it would need to resolve Elles's motion to set aside the order and determine whether there was any validity to the excuse contained therein.

The plaintiff has filed a response to the defendants' motion to set aside the latest contempt order. The Court has reviewed the submissions of the parties and finds that the relevant law and facts have been set forth in the motion papers and that oral argument will not aid in the disposition of the motion. Accordingly, it is **ORDERED** that the motion be decided on the papers submitted. *See* E.D. Mich. LR 7.1(e)(2).

## II.

Defendant Elles seeks to set aside this Court's order adopting Magistrate Judge Morgan's May 8, 2007 report and recommendation on the ground that he was never served with a copy of the report and therefore never had an opportunity to object. Elles presumably seeks to avoid a finding of further contempt or default judgment for the same reason. His claim is predicated on the assertion that court orders and hearing notices (including, but not limited to, the magistrate judge's May 8, 2007 report) have been sent to him at the wrong address. He also states that the plaintiff has personally served him with papers at the wrong address. Elles has never alleged that he did not have actual notice of the Court's orders or proceedings. His excuse for failing to object or comply has not merit.

According to the court records, on April 5, 2006, Elles was personally served with the summons and complaint at 35364 S. Gratiot Ave., Clinton Township, MI 48035, which was where

Advicon's shop was located at the time. Defendant Advicon was served via its registered agent at 30600 Telegraph Rd., Bingham Farms, MI 48025. The Clerk's Office, per its usual procedure, therefore noted 35364 S. Gratiot Ave. as Elles's address of record. According to the docket sheet, the Court has mailed all papers (save one) to Elles at that address. The plaintiff also has served some of the documents at Elles's new address as well. Beginning on March 16, 2007, however, mail sent to 35364 S. Gratiot Ave. was returned as undeliverable. Looking back on the record, the reason for this is obvious: Elles moved his place of business from 35364 S. Gratiot Ave. (the "old Gratiot address") to 34740 S. Gratiot Ave. (the "new Gratiot address"), three tenths of a mile down the road. Nevertheless, Elles failed to inform the Clerk's Office that the address of record was no longer valid.

Rather than claiming that materials should have been delivered to him at the new Gratiot address, however, Elles claims he was entitled to receive the papers in this case at 128 New Street, Mt. Clemens, MI 48043, which is apparently his private residence. He bases this claim on a brief email exchange that occurred between himself and a staff member of the Court's chambers. Realizing that a mailing had been returned as undeliverable, a staff member sent an e-mail message to Elles on March 21, 2007 and informed him that, if the old Gratiot address was no longer valid, he would need to "notify the court clerk [in order to] receive any and all mailings." Elles ignored the directive to inform the Clerk's Office, responding to the staff member as follows: "If you need to send me information, kindly send it to 128 New Street, Mt. Clemens, MI 48043." The staff member was kind enough to send a gratuitous copy of the undelivered mailing to the New Street address but, due to Elles's failure to follow up with the Clerk's Office, that was the only document ever sent to New Street.

To the extent Elles thought his e-mail response was adequate to effect a change of address, that position is undermined not only by the staff member's directive, but also by a court order entered on April 2, 2007. That order reads as follows:

This matter came before the Court pursuant to an email received in chambers from Defendant, Daniel Elles, advising of his new mailing address.

Accordingly, it is **ORDERED** that defendant Daniel Elles follow the proper procedures and notify the Court Clerk at 231 W. Lafayette, Room 564, Detroit, MI 48226 of his new mailing address of 128 New Street, Mt. Clemens, MI 48043 on or before **April 16, 2007**.

Order re Address Change [dkt # 41]. Elles never informed the Clerk of his new address; naturally, all mailings continued to be sent to 35364 S. Gratiot Ave.

Although the docket now indicates 128 New Street as Elles's official address, that change did not take place until June 22, 2007 and transpired only by happenstance, not through any effort on Elles's part. Elles's motion to set aside order, filed June 22, 2007, listed 128 New Street as his address on the title page. A member of the Clerk's Office happened to see that notation and made the change accordingly. Despite his use of three different addresses in this litigation and a court order directing him to formally update his address with the Clerk's Office, Elles never informed the Clerk's Office of an address change. If Elles did not receive every paper in this matter, that is of his own doing and cannot excuse his failure to comply with orders of the Court. The motion to set aside order therefore will be denied.

But even if the Court were to accept Elles's reasoning, that would not explain his failure to appear for the June 28, 2007 hearing. The plaintiff states that it personally served the notice on Elles on June 21, 2007, as the Court ordered, and the record reflects that this was accomplished. The only



conclusion the Court can draw from Elles's absence from the hearing is that Elles simply ignored his obligation to appear.

Nor does Elles's explanation of alleged address confusion justify the defendants' continued violation of the permanent injunction. Photographs taken by the plaintiff on June 19, 2007 reveal that as of that date, the Advicon store continued to bear two large signs depicting the Dell logo and advertising the store as an authorized provider of Dell sales and services. Elles was fully apprised of the exact course of the litigation, and his own statements before the Court when he did appear for a hearing in October 2006 establish that he knew the terms of the permanent injunction and subsequent orders enforcing it.

### III.

In light of Elles's willful and deliberate disregard of the Court's orders, the plaintiff asks the Court to enter a default judgment against Elles. As mentioned above, that relief has already been granted with respect to defendant Advicon. The Court finds that default judgment should enter against Elles as well.

Although Federal Rule of Civil Procedure 37(b)(2)(C) authorizes the Court to enter default judgment as a discovery sanction, there is no Rule or statute that authorizes entry of default judgment based on a party's failure to obey court orders in general. Nevertheless, it is well-established that a federal court has the inherent authority to grant such relief when the circumstances warrant as much. *See In re Sunshine Jr. Stores, Inc.*, 456 F.3d 1291, 1304-06 (11th Cir. 2006) (upholding entry of default judgment as proper use of court's inherent authority where party failed to respond to court orders, failed to appear before the court, and failed to engage in court-ordered discovery); *Thomas, Head, & Griesen Employees Trust v. Buster*, 95 F.3d 1449, 1457-59 (9th Cir.

1996) (upholding entry of default judgment based on inherent authority where party completely ignored the terms of an injunctive order and other court orders); *Shepherd v. American Broadcasting Cos., Inc.*, 62 F.3d 1469, 1472 (D.C. Cir. 1995) (“As old as the judiciary itself, the inherent power enables courts to protect their institutional integrity and to guard against abuses of the judicial process with contempt citations, fines, awards of attorneys’ fees, and such other orders and sanctions as they find necessary, including even dismissals and default judgments.”); *see also Chambers v. NASCO, Inc.*, 501 U.S. 32, 47-50 (1991) (discussing the broad scope of a court’s inherent authority). While the Sixth Circuit has yet to address the circumstances under which default judgment is appropriate for failure to abide by injunctions and other court orders, it has indicated that default judgment as a discovery sanction should be tested against the following four factors: (1) whether the conduct at issue was the result of willfulness, bad faith, or fault; (2) whether the adversary was prejudiced by the disobedient party’s conduct; (3) whether the disobedient party was warned that failure to cooperate could lead to default judgment; and (4) whether less drastic sanctions were imposed or considered before entry of default judgment. *Bank One of Cleveland, N.A. v. Abbe*, 916 F.2d 1067, 1073 (6th Cir. 1990) (citing *Regional Refuse Sys. v. Inland Reclamation Co.*, 842 F.2d 150, 154-55 (6th Cir. 1988)). The Court finds that those factors apply equally to a default judgment entered under its inherent authority.

All four factors favor entry of a default judgment against defendant Elles. As Magistrate Judge Morgan found, Elles’s conduct demonstrates bad faith in his contemptuous disregard of the Court’s orders. He has failed to appear at properly noticed hearings and depositions, flagrantly disregarded the permanent injunction, and engaged in devices to avoid compliance. Dell has suffered prejudice as a result of Elles’s conduct. It has been required to file four motions to secure

the relief ordered by the Court last fall, and since that time it has endured the continuing infringement of its trademark rights. Elles was expressly warned that default judgment was the next sanction to be imposed by Magistrate Judge Morgan in her March 12, 2007 order. Less drastic sanctions were considered and imposed on multiple occasions to no avail. The Court finds therefore that entry of default judgment is necessary to protect the plaintiff's interest in this litigation and to preserve the Court's authority and the integrity of the judiciary. Judgment will be entered against defendant Daniel Elles in the amounts previously ordered to be paid by Elles and Advicon in this matter.

## IV.

The Court concludes that there is no merit to Elles's motion or the excuse contained therein. Default judgment is necessary, and the plaintiff's request for such relief will be granted.

Accordingly, it is **ORDERED** that defendant Elles's motion to set aside order [dkt # 62] is **DENIED**.

It is further **ORDERED** that the plaintiff's motion for default judgment [dkt # 57] is **GRANTED**, and a judgment will enter in the amount of \$152,082.32.

It is further **ORDERED** that Elles shall appear for a creditor's examination at Room 824 of the Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226 on **July 20, 2007 at 11:00 a.m.** Elles shall bring to the examination all of the documents that he has previously been commanded by subpoena to produce. Failure to appear or produce the required documents may result in the imposition of further sanctions, including a finding of criminal contempt.

It is further **ORDERED** that the plaintiff shall cause a copy of this order together with a subpoena listing the items the defendant shall bring with him to the creditor's examination to be served personally on defendant Elles on or before **July 16, 2007**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: July 12, 2007.



## **EXHIBIT 15**

Case Number 09-13185  
United States District Court, E.D. Michigan, Southern Division

## Pryor v. County

Decided Jun 24, 2011

Case Number 09-13185.

June 24, 2011

### **ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL AND FOR SANCTIONS**

DAVID LAWSON, District Judge

Presently before the Court is the plaintiff's motion to compel the responses to the written deposition of Clara Sledge and for sanctions against defense counsel. The plaintiff explains that the responses were due on June 21, 2011, but remain outstanding. The defendants have filed a response indicating that Ms. Sledge answered the questions before a court reporter on June 20, 2011, Ms. Sledge's first available opportunity, but that the court reporter has not yet completed the transcript. The defendants also indicate that they mailed plaintiff's counsel a notice explaining that the deposition had been completed and providing the court reporter's contact information on June 20, 2011.

At a hearing on June 7, 2011, the defendants informed the Court that the plaintiff's requested deposition of Clara Sledge could not be scheduled with the other depositions on June 14, 2011 because Ms. Sledge allegedly was very busy. The Court allowed a special accommodation for Ms. Sledge and permitted her deposition to be taken by written interrogatories pursuant to [Fed.R.Civ.P. 31](#) so that it could be fit in around her schedule.

- 2 However, the Court ordered that Ms. Sledge' \*2 "must submit her answers to the plaintiff **on or**

**before June 21, 2011."** Order [dkt #70] at 2. Because of the contentiousness of discovery in this matter, the parties ought to be sensitive to the fact that the Court's orders must be obeyed. In the Court's order permitting Ms. Sledge's deposition by written interrogatories, the Court imposed a hard deadline of June 21, 2011. Defense counsel certainly should have anticipated delays from the court reporter and made arrangement to hire a court reporter who could have accommodated the Court's deadline or schedule the session sufficiently in advance to accommodate the necessary delay in the transcript's preparation.

Rule 37(b)(2) of the Federal Rules of Civil Procedure states:

If a party . . . fails to obey an order to provide or permit discovery . . . the court where the action is pending may issue further just orders . . . includ[ing orders] . . . (i) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims; (ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence; (iii) striking pleadings in whole or in part; (iv) staying further proceedings until the order is obeyed; (v) dismissing the action or proceeding in whole or in part; (vi) rendering a default judgment against the disobedient party; or (vii) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination.



Fed.R.Civ.P. 37(b)(2)(A); *see also* *Reg'l Refuse Sys., Inc. v. Inland Reclamation Co.*, 842 F.2d 150, 154-55 (6th Cir. 1988). The rule further provides that "[i]nstead of or in addition to the orders above, the court must order the disobedient party, the attorney advising that party, or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the failure was substantially justified or other circumstances make an award of expenses unjust." Fed.R.Civ.P. 37(b)(2)(C). The Court generally will impose sanctions of escalating severity, including case-dispositive sanctions, in the event that the defendants continue to commit additional violations of the Court's orders. *Reg'l Refuse Sys., Inc.*, 842 F.2d at 154-55.

3 \*3

36 The defendant has not complied with the Court's order requiring the deponent to furnish answers to deposition questions by a specific date, and the plaintiff is well within his rights to seek an order compelling these responses and imposing sanctions. Therefore, the Court will grant the plaintiff's motion, order the defendants to furnish Ms. Seldge's responses to the written interrogatories forthwith, and sanction the defendant \$500 under Fed.R.Civ.P. 37 to be payable to the plaintiff as costs.

Accordingly, it is **ORDERED** that the plaintiff's motion to compel and for sanctions [dkt #73] is **GRANTED**.

It is further **ORDERED** that the defendants must furnish Ms. Sledge's responses to the written interrogatories **FORTHWITH** pursuant to the Court's June 7, 2011 Order [dkt #70].

It is further **ORDERED** that the defendants shall pay to the plaintiff the sum of \$500 **on or before July 1, 2011**.

### **PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 24, 2011. \*36

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## **EXHIBIT 16**



Case Number 07-10540, Bankr. Number 05-79412-TJT  
United States District Court, E.D. Michigan, Southern Division

## In re Taylor v. Taylor

Decided May 31, 2007

Case Number 07-10540, Bankr. Number 05-79412-TJT.

May 31, 2007

### OPINION

DAVID LAWSON, District Judge

The question presented by this appeal is whether the bankruptcy court abused its discretion when it entered a default judgment against the defendant-debtors for failing to comply with an order to answer discovery requests that were long overdue in a non-dischargeability adversary proceeding. The default judgment sanction for failing to give discovery is a harsh one intended to be used as a last resort, and perhaps other judges confronted by similar facts would not have turned to it as quickly as did the bankruptcy judge here. However, under the deferential standard of review, and in light of Sixth Circuit precedent, the Court finds that there was no abuse of discretion. Therefore, the judgment of the bankruptcy court will be affirmed.

### I.

The parties agree on the basic facts of the case, which has its roots in a related action brought by the present plaintiff, Media Capital Associates LLC, against the debtors in the Superior Court of

2 \*2 Arizona in 2004. Media Capital alleged in a complaint that the Taylors had breached a contract and committed fraud while defendant Mark Taylor was an employee of Media Capital. The complaint alleged that Taylor's job duties included arranging for customers to enter into equipment leases apparently financed by Media Capital, but Taylor

engaged in direct placement of certain leases and diverted payments and commissions, which he converted to his own use. The complaint also alleges that Terri Taylor received a benefit from the converted proceeds. The Taylors failed to respond to the complaint, and on December 9, 2004, the Arizona court entered a default judgment in favor of Media Capital in the amount of \$38,770.24 plus attorney's fees and interest.

On October 12, 2005, the Taylors filed for Chapter 7 bankruptcy protection in the United States Bankruptcy Court for the Eastern District of Michigan. The Taylors listed Media Capital as a creditor and sought to discharge the debt they owed Media Capital created by the Arizona judgment.

On January 27, 2006, Media Capital commenced an adversary proceeding objecting to the dischargeability of the debt stemming from the Arizona judgment. Media Capital sought a declaration that the debt was non-dischargeable under [11 U.S.C. § 523\(a\)\(2\)](#) because it was incurred through fraud. On March 6, 2006, the Taylors filed their answer and affirmative defenses. On March 20, 2006, Media Capital served upon the Taylors its first set of interrogatories and requests for production of documents. Media Capital states that extensions were negotiated and agreed upon, and the responses ultimately were due on or before June 2, 2006. The Taylors failed to respond to Media Capital's discovery requests by the agreed deadline. Media Capital eventually filed a motion

to compel the answers on August 15, 2006. Media Capital also filed a motion for summary judgment that day. \*3

On October 4, 2006, an order for substitution of counsel was entered, and the law firm of Sheehan Associates, PLC replaced Gary R. Sanfield as counsel for the Taylors. On November 8, 2006, the Taylors filed answers to Media Capital's discovery requests consisting solely of objections. They furnished no information in response to the interrogatories and document demands, and they objected to each and every request, generally in boiler-plate fashion.

On December 6, 2006, the bankruptcy court heard oral argument on Media Capital's motion to compel, which had been filed in August 2006. The court found the Taylors' objections to be inappropriate on grounds of waiver because the Taylors had failed to file such objections by the agreed due date of June 2, 2006. The bankruptcy court granted the motion to compel and directed the Taylors "to promptly serve full and complete responses to the discovery requests at issue and to do so without making any objections of any kind, including privileged [sic]." R, Ex. 22, Tr. of Dec. 6, 2006 Hr'g at 16; *see also* R, Ex. 24, Order Compelling Disc. [bank. dkt # 25]. The court held that the responses must be served on or before December 18, 2006, and warned counsel for the Taylors that failure to do so could result in a default judgment or other appropriate sanctions. Counsel for the Taylors requested an extension "until after the New Year holiday" on the grounds that his clients lived in California and may have plans for the holidays. The court overruled this request, stating:

THE COURT: The defendants have delayed far too long already in responding to discovery. . . . If they have travel plans, they'll just have to make sure they can get this done.

MR. CIOFFI: I understand, Your Honor.

THE COURT: Notwithstanding any other plans they may have unless they just — they just want to suffer a default judgment and other sanctions possibly in this case.

\*4

R, Ex. 22, Tr. of Dec. 6, 2006 Hr'g at 22. On December 8, 2006, the court memorialized its ruling in a formal order, which reads:

Plaintiff, Media Capital Associates, LLC, having served its Interrogatories and Request for Production upon Defendants, Mark and Terri Taylor on March 20, 2006; and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that Defendants, Mark and Terri Taylor shall serve written Answers to Media Capital Associates, LLC's Interrogatories and Request for Production, with no objections, no later than December 18, 2006. *In the event that discovery answers, without objections, are not served by this deadline, the Court may enter a Default Judgment or other appropriate sanction against Mark and Terri Taylor.*

R, Ex. 24, Order Compelling Discovery (emphasis added).

The court held a hearing on Media Capital's motion for summary judgment on January 10, 2007. The parties have not produced a copy of the transcript, but it is undisputed that the court denied the motion that very day.

Meanwhile, the Taylors failed to file their discovery responses by the December 18, 2006 deadline, so Media Capital filed a motion for default judgment and other sanctions on December 22, 2006 pursuant to [Federal Rule of Bankruptcy Procedure 7037](#), which incorporates the provisions of [Federal Rule of Civil Procedure 37](#). The court set the motion for a hearing on January 24, 2007. On the afternoon of January 23, 2007, counsel for

the Taylors telefaxed to counsel for Media Capital the Taylors' discovery responses. The Taylors' answers appear to be responsive but somewhat lacking in content; for instance, they did not produce any documents. The Taylors acknowledge, however, that the responses were late under the applicable rules and the terms of the lower court's order of December 8, 2006.

Media Capital registered a strong objection to Taylors' responses at the January 24, 2007 motion hearing. It challenged the genuineness of the claims that the Taylors did not possess the \*5 documents that were requested of them, such as tax returns and their bank statements, particularly because the discovery requests had been outstanding since March 2006. The court recessed the proceedings briefly to allow itself and counsel for Media Capital to fully review the recently-sent responses. When the hearing resumed, the court questioned counsel for the Taylors about their response to a request for "[a]ll bank records including statements and cancelled checks for any checking, savings or other DDA account held" by the debtors and bank records from companies in which they had an interest. The response read:

**RESPONSE:**

**I [Mark Taylor] no longer have access to the two personal bank accounts that were used during 11/18/02 to 09/30/03. One is Wells Fargo in Arizona. One is Community Schools Credit Union in Michigan.**

R, Ex. 31, Final Disc. Responses at 21. The court challenged counsel to explain how this answer was responsive to the discovery request. The following colloquy ensued:

MR. CIOFFI: Your Honor, I think it's a — it's a proper response in that the rules only require the debtor to produce that which is in his possession. And if the documents —

THE COURT: Possession, custody, or control.

MR. CIOFFI: Well, I think that's why he indicated that the — that the accounts are closed and they're no longer within his control.

THE COURT: He says he no longer has — they say they no longer have access to the bank accounts. I don't know what that means. That doesn't say I don't have any of these requested documents in my possession or in my custody or control, does it?

MR. CIOFFI: No, it doesn't, Your Honor.

...

THE COURT: So what — how is this a responsive response? . . . Say I no longer have access to the accounts. Well, I don't know what that means. And you helped prepare these. Why — how is that responsive?

\*6

MR. CIOFFI: I took it to mean that he doesn't have them in his possession, custody, or control. If, you know —

THE COURT: That's not what it says.

MR. CIOFFI: I understand that, yes.

THE COURT: So why was this — this vague and apparently evasive answer given instead of something that directly responds as required under Rule 34?

...

MR. CIOFFI: That's the answer I was given, Your Honor.

THE COURT: That's the answer you were given. Did you follow up with your client?

MR. CIOFFI: Yes, I did.

THE COURT: And so what is the answer that your client gave if you asked him, Mr. Taylor, do you have any of these bank records?

MR. CIOFFI: My understanding —

THE COURT: Monthly statements, cancelled checks. Do you have any of them?

MR. CIOFFI: That's where my understanding that he didn't have them came in, Your Honor.

THE COURT: So the — but the answer doesn't say that.

R, Ex. 30, Tr. of Jan. 24, 2007 Hr'g at 19-21.

The court also questioned counsel for the Taylors concerning the tardiness of their discovery responses:

THE COURT: Let me ask you, the order of December 8 required the defendants to serve written answers to the plaintiff's interrogatories and requests for production with no objections, no later than December 18, 2006. Either you or one of your — another attorney in your firm, I don't remember which, was here at the December 8 — I'm sorry, December 6th, 2006 hearing that led to this December 8 order.

7 \*7

MR. CIOFFI: That was me, Your Honor.

THE COURT: That was you. And so you knew on December 6th that that was going to be the deadline.

MR. CIOFFI: Yes, Your Honor.

THE COURT: And I believe you told me, or at least your partner told me at this January 10 hearing that we had — January 10, 2007 hearing that we had of the plaintiff's motion for summary judgment mentioned that you — your firm, somebody at your firm conveyed that order to the defendants.

MR. CIOFFI: Yes, Your Honor.

THE COURT: So when was that ordered conveyed to the defendants?

MR. CIOFFI: Immediately after its entry, Your Honor.

THE COURT: Which was December 8.

MR. CIOFFI: Which would be December 8th.

THE COURT: And did you also communicate the December 18 deadline to the defendants shortly after the December 6th hearing?

MR. CIOFFI: Yes, Your Honor.

THE COURT: When was that?

MR. CIOFFI: I'm sorry, it would be December 8th when the order came out.

THE COURT: All right. So defendants knew ten days before the deadline of December 18th about the deadline?

MR. CIOFFI: Yes, Your Honor.

THE COURT: And they didn't comply with the order. I think there's no dispute they didn't comply with the order.

MR. CIOFFI: It wasn't substantially justified, Your Honor.

THE COURT: No, but they didn't comply, that's point one.

MR. CIOFFI: Yes, Your Honor.

8 \*8

THE COURT: And so the question is why did they not comply with that — that order and that deadline?

MR. CIOFFI: In terms of a justification, I don't think there is one.

*Id.* at 10-11.

In his clients' defense, counsel for the Taylors stated that his clients may not have grasped the seriousness of the issue. He believed that former counsel had led the Taylors to believe that it was not imperative to comply with a court order. The lower court rejected that argument because present counsel had been in the case since October 4, 2006, two months before the court issued its order compelling discovery. Counsel cited a second mitigating circumstance, suggesting that although the discovery responses may have been technically outstanding since June 2006, the delay was partially justified by the occurrence of settlement negotiations. However, the court rejected this argument on the grounds that the settlement talks had broken down well before the discovery order was entered in December.

At the close of the hearing, the court announced its decision from the bench, first noting that defense counsel had conveyed the December 8, 2006 order to his clients, so the Taylors were personally aware of the December 18, 2006 response deadline. The court found that the Taylors were warned that failure to comply could result in a default judgment against them. The court then observed that the Taylors did nothing to comply with the order, not even contacting their attorney to give him something to work with to furnish answers within the deadline. Based on defense counsel's acknowledgment, the court found that the failure to comply was not substantially justified. The court also determined that the month-late responses (timed by the last court order) were inadequate, and the defendants were evasive. The court stated that proper responses

9 would be \*9 important to the plaintiff in order for

it to litigate the matter on the merits. At the time of the hearing on the motion for default judgment, trial was scheduled to begin on March 20, 2007. The court concluded as follows:

And — and I don't — I did not hear in this hearing today, a good excuse or justification for that offered by defense counsel on behalf of the defendants. So here we have a situation where I think the defendants just really rather flagrantly disobeyed the Court's order requiring them to provide discovery, the December 8, 2006 order. Did so not only without any substantial justification, but did so without any justification or excuse even offered whatsoever.

And did so after having been warned in the December 8 order itself that failure to comply with the order and serve the discovery responses by the deadline of December 18, may lead to a default judgment against the defendants. I can only conclude from the circumstances that the defendants' failure to comply with the Court's December 8, 2006 order was willful and was in bad faith.

....

I am going to grant the motion, the plaintiff's motion to the following extent. First, I will grant a default judgment against both defendants in this adversary proceeding as requested by plaintiff.

And second, I will also enter an order requiring the defendants jointly and severally to pay the reasonable fees and expenses — attorney fees and expenses incurred by the plaintiff in filing and prosecuting the present motion. To the extent the motion seeks additional relief, including fees and expenses for prior proceedings and prior motions relating to discovery, that request is denied.



*Id.* at 26-28.

Default judgment was entered on January 24, 2007, and the Taylors filed a timely notice of appeal. The Court heard oral argument on May 21, 2007.

## II.

Rule 7037 of the Federal Rules of Bankruptcy Procedure, which prescribes the sanctions that are available for discovery violations, provides that Rule 37 of the Federal Rule of Civil Procedure applies in adversary proceedings. Fed.R.Bank.P.

10 7037. Rule 37 states: "If a party . . . \*10 fails to obey an order to provide or permit discovery . . . the court in which the action is pending may [issue] . . . [a]n order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party." Fed.R.Civ.P. 37(b)(2)(C).

A court's decision to grant a motion for default judgment under [Federal Rule of Civil Procedure 37\(b\)\(2\)\(C\)](#) is reviewed for abuse of discretion. *Bank One of Cleveland, N.A. v. Abbe*, 916 F.2d 1067, 1073 (6th Cir. 1990). "An abuse of discretion occurs when the district court relies on clearly erroneous findings of fact, improperly applies the law, or uses an erroneous legal standard." *Mike's Train House, Inc. v. Lionel, L.L.C.*, 472 F.3d 398, 405 (6th Cir. 2006). An appellate court "will find an abuse of discretion only when the Court has a definite and firm conviction that the trial court committed a clear error of judgment." *Ibid.* (citing *Engbreetsen v. Fairchild Aircraft Corp.*, 21 F.3d 721, 728 (6th Cir. 1994)) (internal quotes omitted). See also *GenCorp, Inc. v. Olin Corp.*, 477 F.3d 368, 372 (6th Cir. 2007).

The propriety of a dismissal or default judgment as a discovery sanction is generally assessed in light of four factors identified by the Sixth Circuit in *Regional Refuse Sys. v. Inland Reclamation Co.*,

842 F.2d 150, 154 (6th Cir. 1988), which were succinctly summarized by the court in *United States v. Reyes*, 307 F.3d 451 (6th Cir. 2002), as follows: "(1) whether the party's failure is due to willfulness, bad faith, or fault; (2) whether the adversary was prejudiced by the dismissed party's conduct; (3) whether the dismissed party was warned that failure to cooperate could lead to dismissal; and (4) whether less drastic sanctions were imposed or considered before dismissal was ordered." *Id.* at 458. \*11

The defendants claim on appeal that the lower court failed to make an adequate determination of prejudice to the plaintiff flowing from the discovery breach, and the court erred by failing to find bad faith on their part and by not considering a less drastic sanction short of a default judgment. This Court does not agree.

There is no question that the Taylors failed to furnish arguably substantive answers to the discovery requests until ten months after the requests were served. Some of that delay can be justified or excused by stipulated extensions and a tacit hiatus resulting from settlement discussions. Nevertheless, a motion to compel the answers was filed on August 2006, and settlement efforts were exhausted in the fall of 2006. No answers were forthcoming even up to the motion hearing on December 6, 2006, when the bankruptcy court issued its "last chance" order. At the January 24, 2007 default judgment hearing, the Taylors' attorney candidly acknowledged that there was no justification for their failure to comply with the order. The Taylors argue that their lapse was not due to bad faith, but the evasive discovery responses suggest otherwise. More importantly, the record fully supports the conclusion that they had the means to comply with the December 8, 2006 order compelling discovery but simply did not do so. The Sixth Circuit has held that if a party has the ability to comply with a discovery order and does not, entry of default is not an abuse of discretion. *Bank One of Cleveland*, 916 F.2d at 1073 (quoting *Regional Refuse*, 842 F.2d at 154);

see also *Reyes*, 307 F.3d at 458 (stating that "it is presumed that dismissal is not an abuse of discretion if the party has the ability to comply with a discovery order but does not"). The willfulness component of the *Regional Refuse* test has been satisfied.

12 The record also supports a finding that Media Capital was prejudiced by the Taylors' failure to cooperate in discovery. Although the bankruptcy court was not expansive in its discussion of \*12 prejudice, it did note that Media Capital sought "documents that it appears to me are quite important if the plaintiff must litigate this case on the merits. . . . And obviously this would require further follow-up. . . ." R, Ex. 30, Tr. of Jan. 24, 2007 Hr'g at 25. Prejudice may be found where the adversary encounters substantial difficulty in obtaining information to which it is entitled, see, e.g., *Bank One*, 916 F.2d at 1079, or where the adversary needlessly expends time and money in this effort, see, e.g., *Regional Refuse*, 842 F.2d at 155; *Stamtec, Inc. v. Anson*, 195 Fed. Appx. 473, 481 (6th Cir. 2006). Media Capital was forced to file a motion to compel on August 15, 2006 when answers to its discovery requests were not forthcoming in a timely manner. After the "last chance" order was issued, the plaintiff had to file yet another motion when the debtors did not comply. All of this litigation occurred against the backdrop of a looming trial date of March 20, 2007. Even if the Taylors responses served on January 23, 2007 were fully adequate, which plainly they were not, Media Capital would have had far less time to process that discovery and prepare for trial than that to which it was entitled. The record supports a finding of prejudice.

The defendants readily admit, as they must, that they were warned of the consequences of their failure to comply with the December 8, 2006 discovery order, satisfying the third factor. *Regional Refuse*, 842 F.2d at 155.

The fourth factor requires some evidence that the lower court "considered" less drastic sanctions. In this case, the transcript does not contain an express articulation of why the bankruptcy court thought lesser sanctions would be insufficient. However, it is apparent that the bankruptcy court was plainly aware that it was not *required* to enter a default judgment; and it was cognizant of the severity of the sanction and granted default judgment only after finding that the Taylors had flagrantly violated the court's order without any justification whatsoever. See R, Ex. 30, Hr'g Tr., 13 \*13 Jan. 24, 2007, at 26-28 (stating "the Court does have [the authority] under . . . Rule 37(b)(2) (C), among other options or remedies for this failure or disobedience of the Court's order to grant a default judgment") (emphasis added). The court also showed some measure of restraint by denying Media Capital's request for attorney's fees and costs incurred in connection with the prior motion to compel, although it did grant an award of fees and costs incurred in connection with bringing the motion for default judgment. Therefore, although many of the cases receiving Sixth Circuit approval involved the prior imposition of lesser sanctions, see, e.g., *Stamtec*, 195 Fed. Appx. at 482, this Court does not find that the bankruptcy court abused its discretion because it is clear that the court only granted a default judgment after finding that the Taylors' conduct warranted as much. See *Regional Refuse*, 842 F.2d at 155 (noting that although "it would be inappropriate to dismiss [or enter default judgment] without considering the severity of this sanction, it is not an abuse of discretion to dismiss [or enter default judgment], even though other sanctions might be workable, if dismissal is supportable on the facts"); see also *Reyes*, 307 F.3d at 458 ("[A]lthough the district court did not expressly consider other sanctions, . . . this is not necessarily an abuse of discretion.").

Finally, citing the unpublished decision of *Stamtec, Inc. v. Anson*, 195 Fed. Appx. 473 (6th Cir. 2006), the defendants argue that a default

judgment against Terri Taylor is not supported by the record because the discovery sought by Media Capital focused primarily on Mark Taylor's business. In *Stamtec*, the Sixth Circuit vacated a default judgment as to one group of defendants because some of the discovery requests at issue were not directed to those defendants, and there was "little or no mention in the district court record of [those] Defendants' fault in the matter." *Stamtec*, 195 Fed. Appx. at 479. The case is not analogous, however. Although the predicate discovery requests may have largely concerned Mark Taylor's business, five of the interrogatories and two of the document \*14 requests were directed exclusively to Terri Taylor. In addition, although answered and signed by Mark Taylor only, Media Capital's second set of interrogatories and requests for production of documents (which contained the disputed request for bank records), were directed to both defendants. Most importantly, the order compelling discovery provided that "Mark *and* Terri Taylor shall serve written Answers to Media Capital Associates, LLC's Interrogatories and Request for Production .

. . no later than December 18, 2006." R, Ex. 24, Order Compelling Discovery at 1 (emphasis added). Both defendants violated this order, and neither defendant offered a justification.

### III.

Certainly other sanctions were available to the bankruptcy court: it could have imposed fines and costs, barred certain defenses, or even jailed the Taylors for contempt of court. [Fed.R.Civ.P. 37\(b\)\(2\)\(B\)](#), (C), (D). The availability of other sanctions, however, does not render the lower court's choice an abuse of discretion. The record in this case does not support a finding that the bankruptcy court relied on clearly erroneous findings of fact, improperly applied the governing law, used an erroneous legal standard, or committed a clear error of judgment. For these reasons, the judgment of the bankruptcy court is

1 **AFFIRMED.** \*1



## **EXHIBIT 17**



as long as they were generally-accepted in the community. There was to my knowledge at least one occasion when the City of Hamtramck intervened and prevented the Commission from flying a flag of Serbia while an ongoing conflict was occurring in the region (which is also alluded to in the Plaintiff's affidavit). Councilmen have at times made me aware of other flag requests they've received which have not been approved.

4. In June of 2023, in keeping with the City of Hamtramck's history of monitoring and occasional intervention of the flag poles, the City of Hamtramck Mayor and City Council passed a resolution more carefully defining what flags were permissible.
5. After the resolution had passed, and after being asked to not do so, Russ Gordon and Cathy Stackpole, raised certain flags which were not permitted in Resolution 2023-82.
6. Because Mr. Gordon and Ms. Stackpole refused to adhere to such direction, Mayor and Council legally removed them from their appointed positions with the Commission.
7. While the Plaintiffs argue that their removal was based on first amendment grounds, the fact is that there were other individuals in City Hall whom were unhappy with the passing of the resolution and pridefully displayed their unhappiness through various means of expression, and no repercussions or retaliatory action were taken against them at any time by any person in the City government.

/s/   
MAXWELL GARBARINO

My commission expires



## **EXHIBIT 18**

**Maxwell Garbarino**

Page 1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

Case No. 23-12812

RUSS GORDON and CATHY STACKPOOLE,

Plaintiffs,

Hon. David Lawson

vs.

THE CITY OF HAMTRAMCK, THE HAMTRAMCK  
CITY COUNCIL, and MAYOR AMER GHALIB  
in his official capacity, only.

Defendants.

\_\_\_\_\_/  
The Deposition of MAXWELL GARBARINO, a Witness  
herein, taken pursuant to Notice of Taking Deposition  
before Sharon Julian, CSR-3915, Registered Professional  
Reporter and Notary Public in the County of Wayne, State  
of Michigan, at 3401 Evaline Street, Hamtramck, Michigan,  
on Friday, March 15, 2024, commencing at about 12:00 p.m.

APPEARANCES:

MARC M. SUSSELMAN, ESQ. P29481  
43834 Brandywyne Road  
Canton, Michigan 48187  
734-416-5186  
marcsusselman@gmail.com

For Plaintiffs.

ODEY MEROUEH, ESQ. P76460  
Meroueh & Hallman, LLP  
14339 Ford Road  
Dearborn, Michigan 48126  
313-582-7469

okm@mhatlaw.com

For Defendants.

PRESENT: Alex Lagrou - Law Clerk  
Meroueh & Hallman, LLP

Maxwell Garbarino

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8  
9  
10 ---  
11 EXHIBITS  
12 (Attached/Scanned)

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20  
21 ---  
22  
23  
24  
25

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1 Hamtramck, Michigan  
2 Friday, March 15, 2024  
3 About 12:00 p.m.  
4 ---

5 MR. SUSSELMAN: Let the record reflect that  
6 this is the deposition of Maxwell Garbarino being taken  
7 pursuant to Notice and admissible for all purposes  
8 permissible under the Federal Rules Civil of Procedure  
9 and the Federal Rules of Evidence.

10 ---  
11 MAXWELL GARBARINO,  
12 a Witness herein, having been first duly sworn,  
13 testified as follows:

14 EXAMINATION

15 BY MR. SUSSELMAN:

16 Q Mr. Garbarino?

17 A Got it.

18 Q Garbarino, not Gabarino?

19 A Garbarino; right.

20 Q Have you ever been deposed before?

21 A Many times.

22 Q In what context?

23 A Lawsuits.

24 Q Were you a party in those lawsuits?

25 A Many times.

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Maxwell Garbarino

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1 Q And --  
2 A Old pro.  
3 Q As Plaintiff -- were they mixed, Plaintiff and Defendant,  
4 or were they predominantly one or the other?

5 A Defendants. Worked for the city -- been -- worked for  
6 the city for 23 years, so --

7 Q This city?

8 A Well, this city. I worked for Wayne County. I worked  
9 for Eastpointe. So I've been mixed up in litigation for  
10 the City of Hamtramck for all matters of things. So,  
11 been in this room for depositions, plus at this point.

12 Q So let me just -- you know what the ground rules are.

13 I'll be asking you a number of questions. If  
14 you don't understand the question, indicate that and I'll  
15 try to rephrase it so you can understand it.

16 A I got it, sir.

17 Q If you answer the question, I'll assume you understood  
18 it.

19 Mr. Meroueh may, from time to time, make  
20 objections. Unless the objection is attorney-client  
21 privilege, you are required to answer the question over  
22 the objection. And I'll so indicate.

23 Please make all your answers verbal, not by  
24 nods of the head or gestures. Okay?

25 A Gotcha.

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Maxwell Garbarino

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1 (Exhibit 1 was marked for identification.)

2 BY MR. SUSSELMAN:

3 Q Show you what's been marked as Plaintiff Exhibit 1. Ask  
4 if you recognize that?

5 A (Witness reviewing document.) Yes.

6 Q So you were -- were you provided a copy of that by  
7 Mr. Meroueh prior to today?

8 MR. MEROUEH: You don't --

9 THE WITNESS: What's that?

10 MR. MEROUEH: You don't have any responses to  
11 that.

12 MR. SUSSELMAN: Sorry. What?

13 MR. MEROUEH: I asked him for the -- you don't  
14 have any messages and whatnot?

15 MR. SUSSELMAN: Don't testify.

16 MR. MEROUEH: That's fine.

17 MR. SUSSELMAN: No, it's not fine. Don't  
18 testify.

19 MR. MEROUEH: Read the second page and let him  
20 know if you have any of those.

21 MR. SUSSELMAN: Will you let me ask the  
22 questions, please.

23 MR. MEROUEH: That's fine.

24 THE WITNESS: Please relax. Don't get feisty.

25 MR. MEROUEH: That's all right. He's entitled

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Maxwell Garbarino

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1 to get feisty.

2 MR. SUSSELMAN: Not during my direct

3 examination of you, he may not interject questions or

4 give you answers.

5 MR. MEROUEH: I was not doing either of those

6 things. I was letting him --

7 MR. SUSSELMAN: Well, let the record reflect --

8 BY MR. SUSSELMAN:

9 **Q So my question was, do you recognize this document? You**

10 **said you did.**

11 **And I asked you --**

12 A I mean, it's a legal document. It's not crazy.

13 **Q What is it? How would you identify what it is?**

14 A It's a Notice of Deposition for me.

15 Please take notice that the deposition of

16 Maxwell Garbarino will take place today at 10:00 a.m.,

17 Hamtramck City Hall, purposes of Federal Rules of Civil

18 Procedure. Any and all documents --

19 **Q And, so, you saw this document prior to today?**

20 A Yeah, I believe so.

21 **Q Were you provided a copy of this document?**

22 A I don't remember. I get so many documents on a daily

23 basis. More than likely.

24 **Q Well, if you received it -- would you look on the second**

25 **page?**

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1 question before you answer.

2 My next question is regarding category 1, which

3 states:

4 "Any and all documents, including

5 letters, memoranda, e-mails, text

6 messages and notes related to the

7 Hamtramck flag display policy and

8 practice during the years 2013 to 2024,

9 not protected by the attorney-client

10 privilege."

11 Do you possess any documents that fall into

12 that category?

13 A No documents.

14 **Q Category number 2:**

15 "Any and all documents, including

16 letters, memoranda, e-mails, text

17 messages, and notes relating to the

18 discussion and passage of Resolution

19 2023-82 not protected by attorney-client

20 privilege."

21 A No. For the third time, no.

22 Would you like me to answer the third question?

23 **Q No, I'll ask it first.**

24 A For the third time, no.

25 **Q Will you please be responsive to my questions.**

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1 A Okay.

2 **Q You were asked to bring three classes of documents to**

3 **this deposition.**

4 A I just don't recall. I'm sure I've seen it, but I -- I

5 candidly cannot recall, so --

6 **Q Have you brought any documents --**

7 A I don't have any documents with me. No, I do not.

8 **Q You do not. Do you possess --**

9 **Let's go over the three categories.**

10 A I do not have any documents with me whatsoever. Nothing

11 in this document is with me, period.

12 **Q Okay. My next question, Mr. Garbarino.**

13 A Um-hmm.

14 **Q Do you possess any documents that fall into category 1**

15 **which states, "Any and all documents, including**

16 **letters --**

17 A I have no documents --

18 **Q Could you let me finish?**

19 A -- one, two, or three.

20 MR. SUSSELMAN: Will you instruct your client

21 to let me finish my question?

22 MR. MEROUEH: He's perfectly capable of

23 answering. And he has answered your question.

24 BY MR. SUSSELMAN:

25 **Q Mr. Garbarino, this will go better if you let me ask my**

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1 A Jesus. Come on.

2 **Q The third --**

3 A I thoroughly answered it three times.

4 **Q You answered before I asked the question. You don't**

5 **answer questions before I ask them, sir.**

6 **Third category:**

7 "Any and all documents, including

8 letters, memoranda, e-mails, text messages,

9 and notes relating to the discussion and

10 passage of Resolution 2023-99 not

11 protected by the attorney-client privilege."

12 A No.

13 **Q Mr. Garbarino, could you please tell me something about**

14 **your employment history?**

15 MR. MEROUEH: Objection.

16 A What do you want to know?

17 BY MR. SUSSELMAN:

18 **Q Your employment history?**

19 **Where have you worked --**

20 **Are you a graduate of high school?**

21 A Yes.

22 **Q Did you attend college?**

23 A Yes.

24 **Q What college?**

25 A University of Detroit Mercy.

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Maxwell Garbarino

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- 1 **Q** When did you graduate?
- 2 A Well, 2011 from law school.
- 3 **Q** You have a J.D.?
- 4 A I do.
- 5 **Q** From Detroit -- what law school?
- 6 A Detroit Mercy.
- 7 **Q** Okay. Before you obtained your law degree, had you been
- 8 employed?
- 9 A Yeah.
- 10 **Q** In what capacity and where?
- 11 A Police. Here.
- 12 **Q** You were a member of the police department of the City of
- 13 Hamtramck?
- 14 A Yes.
- 15 **Q** From what years?
- 16 A 2001.
- 17 **Q** To when?
- 18 A Let's see. Up to about 2014-ish.
- 19 **Q** What was your rank when you left?
- 20 A Chief.
- 21 **Q** You were chief of the Hamtramck Police Department?
- 22 A Correct.
- 23 **Q** You left in 2014?
- 24 A I believe.
- 25 **Q** Okay. So, apparently, while you were working as a police

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- 1 here and try to figure it out.
- 2 And then I went to Eastpointe for three years.
- 3 **Q** When did you go to Eastpointe, sir?
- 4 A I don't remember the exact dates. I'm not going to sit
- 5 here and figure it out.
- 6 And then I went -- came back here. I was
- 7 offered employment as director of public safety.
- 8 **Q** What year was that?
- 9 A And I'm not going to figure out dates.
- 10 **Q** You don't remember when you --
- 11 A No, I do not. I came back here as director of public
- 12 safety.
- 13 **Q** And you don't remember what year that was?
- 14 A That one is, actually, easy. That was 2020.
- 15 **Q** So between 2014 and 2020, you were -- you worked in the
- 16 Wayne County sheriff's department, but you don't recall
- 17 what year?
- 18 A No. I came back here in 2020.
- 19 **Q** No. I said "between." Listen to what I --
- 20 A Roughly.
- 21 **Q** Between 2014 --
- 22 A Roughly.
- 23 **Q** -- and 2020, you worked first at the Wayne County
- 24 sheriff's department?
- 25 A Um-hmm.

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- 1 officer for the City of Hamtramck, you went to law
- 2 school?
- 3 A Correct.
- 4 **Q** And did you go to law school in the evenings?
- 5 A Yes. And days.
- 6 **Q** Excuse me?
- 7 A And days.
- 8 **Q** How many years did you attend law school?
- 9 A About three and a half.
- 10 **Q** Did you practice law after you got your --
- 11 A I didn't practice law.
- 12 **Q** Excuse me?
- 13 A I do not practice law
- 14 **Q** Have you ever practiced law?
- 15 A I do not.
- 16 **Q** What did you do after you left the Hamtramck Police
- 17 Department in 2014?
- 18 A Spent a short time in Wayne County.
- 19 **Q** As what?
- 20 A I worked at the sheriff's department. And then I went to
- 21 Eastpointe for about three years.
- 22 **Q** When did you leave Wayne County sheriff's office?
- 23 A I don't know the exact date.
- 24 **Q** A year would be sufficient.
- 25 A I do not remember exact dates, and I'm not going to sit

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- 1 **Q** And you don't remember what -- and you left there at some
- 2 point?
- 3 A Um-hmm.
- 4 **Q** Before you became the director of public safety here, you
- 5 left the Wayne County sheriff's department and you worked
- 6 somewhere else?
- 7 A Correct.
- 8 **Q** And you don't remember when you left the Wayne County
- 9 sheriff's department?
- 10 A Correct. I don't remember the dates off the top of my
- 11 head.
- 12 **Q** And where did you go after you left the Wayne County
- 13 sheriff's department?
- 14 A Eastpointe
- 15 **Q** Was that the Eastpointe Police Department?
- 16 A Correct.
- 17 **Q** And you don't know when you started working at the
- 18 Eastpointe Police Department, but was that the last place
- 19 you worked at before you joined -- before you became
- 20 director of public safety at the City of Hamtramck in
- 21 2020?
- 22 A Correct.
- 23 **Q** And how long did you work as a director of public safety
- 24 for the City of Hamtramck?
- 25 A Several years.

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- 1 Q Less than five? Well, obviously, less than five.  
 2 A Less than five. And then I was appointed acting city  
 3 manager.  
 4 Q When was that?  
 5 A I don't remember the exact date. I would have to look it  
 6 up.  
 7 Q "Acting city manager" did you say?  
 8 A Correct.  
 9 Q So it was sometime between 2020 and today's date?  
 10 A Correct.  
 11 Q So, at most -- you've been the acting city manager, at  
 12 most, four years, but probably less than four years;  
 13 correct?  
 14 A I'm the full city manager now, and I have been for some  
 15 time. Probably about a year and a half or so.  
 16 Q Full city manager?  
 17 A Correct.  
 18 Q For a year and a half?  
 19 A At least.  
 20 Q Okay. So first you were acting city manager sometime  
 21 after --  
 22 A After my predecessor left.  
 23 Q -- 2020. After 2020.  
 24 A I believe I was about three years as director of public  
 25 safety. Well, I don't know. I'd have to look at the

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- 1 A Anything that's needed, really, in the city.  
 2 Q Well, were you -- was there a chief of police separate  
 3 from your office?  
 4 A There was.  
 5 Q And how did your functions differ from the chief of  
 6 police?  
 7 A She managed the day-to-day. I kind of oversaw some of  
 8 the big picture things and helped with the direction.  
 9 Q Was it your function to manage any police investigations?  
 10 A It definitely -- I definitely would advise on things from  
 11 time to time, but not directly.  
 12 Q Would that have been the function of the chief of police  
 13 more than yours?  
 14 A More so, yeah.  
 15 Q In terms of daily assignments of where police officers  
 16 should be, did you have any role of that versus the chief  
 17 of police?  
 18 A More so the chief.  
 19 Q In terms of recommending promotions, did you have any  
 20 input on that?  
 21 A More so the chief.  
 22 Q Okay.  
 23 A I mean, I certainly would have influence on things, but  
 24 it would be the chief's decision.  
 25 Q As acting city manager, what was your function? Or

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Maxwell Garbarino

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- 1 dates.  
 2 I'm sorry. Don't quote me on that.  
 3 Q So you became director of public safety in 2020. And  
 4 then sometime between 2020 and today's date you became  
 5 acting city manager. And then you were promoted to full  
 6 city manager?  
 7 A Correct.  
 8 Q You've been full city manager for a year and a half, so  
 9 sometime in 2022 you became the full city manager?  
 10 A I'd have to look at the dates.  
 11 Q Well, a year and a half from today's date?  
 12 A Roughly.  
 13 Q Okay. As director of public safety, what were your  
 14 functions?  
 15 A A little bit of everything, to be honest with you.  
 16 Q I'm asking you to be honest.  
 17 A Oversee --  
 18 Q What were they?  
 19 A Oversee the police department. Help with the fire  
 20 department to some degree. Pretty much aide the city  
 21 manager in day-to-day functions around city hall. Pretty  
 22 much kind of a go-to for pretty much everything and  
 23 anything.  
 24 Q When you say part of your function is to oversee the  
 25 police department, what does that entail?

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- 1 functions?  
 2 A Run the city.  
 3 Q "Run the city." How do you distinguish your role from  
 4 that of the Mayor?  
 5 A I mean, it's a city manager form of government. The city  
 6 manager runs the city and the Mayor's the Mayor. I mean,  
 7 it's --  
 8 Q Does that leave anything for the Mayor to do?  
 9 A I mean --  
 10 THE WITNESS: What was that?  
 11 MS. STACKPOOLE: I said "not much."  
 12 A It's not a mayoral run city. I mean, the Mayor and  
 13 Council appoints the city manager to run the day-to-day.  
 14 So, I mean, the day-to-day functions fall under  
 15 the city manager. The Mayor and Council bless the things  
 16 at Council meetings, of course, but the day-to-day falls  
 17 on the city manager.  
 18 Q Would that include drafting and/or recommending that the  
 19 City Council and the Mayor pass resolutions?  
 20 A To some degree. But Council, certainly, does have the  
 21 ability to bring forth resolutions.  
 22  
 23 (Exhibit 2 was marked for identification.)  
 24 BY MR. SUSSELMAN:  
 25 Q Okay. Mr. Garbarino, you've been handed what has been

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1 identified as Plaintiff's Exhibit 2.

2 Let me just point out that he numbering is out  
3 of order because I expected you to be the first witness  
4 rather than Miss Faraj. So I intended this to be offered  
5 earlier, but it's being offered to you now.

6 Do you recognize this document?

7 A I do.

8 Q Turn to the second page. Is that your signature on the  
9 second page?

10 A Yes.

11 Q And did you have this -- this is an affidavit; correct?

12 A It is.

13 Q And it was notarized on January 12th of this year, 2024;  
14 correct?

15 A Yes.

16 Q And who is the notary?

17 A Miss Faraj.

18 Q Did you draft this affidavit yourself?

19 A No. Our city attorney.

20 Q Mr. Meroueh?

21 MR. MEROUHE: Yes.

22 BY MR. SUSSELMAN:

23 Q Did you review it before you signed it?

24 A Yes.

25 Q Do you know when the Hamtramck Relations Commission was

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1 created?

2 A Not off the top of my head.

3 Q Well, give me your best estimate, then.

4 A I wouldn't speculate.

5 Q Okay. Where were you in 2013, and what were you doing?

6 A I don't remember what I had for lunch yesterday.

7 Q Try.

8 A I assume working for the police department.

9 Q Of Hamtramck?

10 A Yeah.

11 Q And so -- and you worked for the Hamtramck Police  
12 Department until 2014?

13 A Yes.

14 Q And, so, in -- during those years, 2013 and 2014, you  
15 played no role in managing the City of Hamtramck;  
16 correct?

17 A Police department.

18 Q But as the chief of police, you didn't play -- you've  
19 already indicated the role of a chief of police is  
20 different than the role of city manager; correct?

21 A That is correct.

22 Q So 2013, 2014 when you were the chief of police, you  
23 didn't perform any of the functions of a city manager;  
24 correct?

25 A That is correct.

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1 Q Is it your testimony you don't recall, or your don't know  
2 when the Hamtramck Relations Commission was created?

3 A Not off the top of my head. No, not without researching  
4 it.

5 Q What is your knowledge as of 2013, 2014 regarding the  
6 Human Relations Commission's responsibility in  
7 determining what flags would be displayed on the City of  
8 Hamtramck flag poles in the Joseph Campau area?

9 A Can you repeat the question?

10 Q In 2013, 2014 --

11 MR. SUSSELMAN: Could you read it back?

12 (Record repeated.)

13 A Have none.

14

15 (Exhibit 5 was marked for identification.)

16 BY MR. SUSSELMAN:

17 Q Say --

18 A I have none.

19 Q "None." You've been handed what's been marked as  
20 Plaintiff's Exhibit Number 5, which is titled  
21 "Resolution --

22 A That's really little.

23 MR. GORDON: You can't read it?

24 THE WITNESS: Barely.

25 MR. GORDON: You want to borrow these?

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1 THE WITNESS: I think I can do it.

2 BY MR. SUSSELMAN:

3 Q Are you able to read it?

4 A I think I can read it.

5 Q Can you identify what that is?

6 A It's a resolution.

7 Q What is the date of the resolution?

8 A '13.

9 Q The full year, please?

10 A 2013.

11 Q You were not involved in any of the discussions related  
12 to this resolution, either its recommendation or passing;  
13 right?

14 A No. It predates my time.

15 Q Predates your time.

16 Could you read it into the record, please?

17 A Sure.

18 "Resolution 2013-102, resolution  
19 allowing the Human Relations Commission  
20 to restore and maintain city flag poles,  
21 install flags and plaques to represent  
22 the international character of the City  
23 of Hamtramck.

24 "Whereas, the City of Hamtramck  
25 Mayor and Council by ordinance, have

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1 created a Human Relations Commission,  
 2 and  
 3 "Whereas, the City of Hamtramck  
 4 Mayor and Council --  
 5 I'm sorry.  
 6 "Whereas, the City of Hamtramck  
 7 Mayor and Council have selected twelve  
 8 residents to serve as members of the  
 9 Human Relations Commission; and  
 10 "Whereas, the Human Relations  
 11 Commission has met regularly to plan  
 12 valuable activities to promote the  
 13 international character of the City  
 14 of Hamtramck;  
 15 "Now, therefore, be it resolved:  
 16 By the City Council of the City of  
 17 Hamtramck that first Human Relations  
 18 Commission is hereby authorized to  
 19 move forward with the flag pole  
 20 restoration project. Second, the  
 21 Human Relations Commission is hereby  
 22 authorized to solicit funds from  
 23 interested parties, individuals or  
 24 businesses, for the sole purpose of  
 25 the restoration and maintenance of

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1 could act autonomously from the  
 2 City of Hamtramck authority. The  
 3 previous Mayor and city managers  
 4 over the years generally approved  
 5 or acquiesced in the flags being  
 6 flown as long as they were generally  
 7 accepted in the community. There was,  
 8 to my knowledge, at least one occasion  
 9 when the City of Hamtramck intervened  
 10 and prevented the commission from  
 11 flying a flag of Serbia while an  
 12 ongoing conflict was occurring in the  
 13 region, which is also alluded to in  
 14 Plaintiff's affidavit. Council have,  
 15 at times, made me aware of other  
 16 flag requests received which have  
 17 not been approved."  
 18 **Q So looking at that first sentence in paragraph 3, you**  
 19 **acknowledge and testified that you played no role in the**  
 20 **recommendation, drafting, or passage of Plaintiff's**  
 21 **Exhibit Number 5, which is the resolution appointing --**  
 22 **state that members of the Human Relations Commission have**  
 23 **authority to move forward with their flag pole**  
 24 **restoration project; right?**  
 25 **So, I don't understand. How can you make that**

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1 city flag poles, purchase of flags  
 2 and plaques, and ongoing maintenance  
 3 of the project.  
 4 "Passed and approved by the City Council,  
 5 City of Hamtramck, Wayne County, Michigan this  
 6 14th day of May, 2013.  
 7 "Ayes, Nays, Abstentions, Absent, Attest."  
 8 **Q Do you have any reason to dispute that this resolution**  
 9 **was passed unanimously?**  
 10 A I don't know. It doesn't say on here.  
 11 **Q There's no way to dispute it?**  
 12 A Does not say either way. I'm not going to speculate.  
 13 **Q And you were not involved in any way of the drafting of**  
 14 **this resolution or recommendation?**  
 15 A No, I was not. Before my time.  
 16 **Q It was before your time. Okay.**  
 17 **If you look at Plaintiff's Exhibit Number 2,**  
 18 **your affidavit. Could you read paragraph 3, please?**  
 19 A "The Hamtramck Human Relations  
 20 Commission was at no time since its  
 21 establishment given total authority  
 22 to decide what flags to display on  
 23 the city flag poles contrary to  
 24 allegations made in Plaintiff's  
 25 affidavit in the sense that they

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1 **statement in that first sentence relating to what the**  
 2 **responsibilities of the members of the Human Relations**  
 3 **Commission was with regard to the flag pole project when**  
 4 **you were not -- in 2023, when this was passed, as you**  
 5 **indicated, was before your time?**  
 6 **On what basis are you making that statement in**  
 7 **the first sentence?**  
 8 A Rephrase -- say your question again.  
 9 MR. MEROUEH: Yeah. I'm going to object to the  
 10 form of the question.  
 11 A Rephrase your question, please.  
 12 BY MR. SUSSELMAN:  
 13 **Q You acknowledge that, in your testimony, that you were**  
 14 **not around in 2023 and had nothing to do with the**  
 15 **recommendation or passage of the resolution which has**  
 16 **been marked as Plaintiff's Exhibit Number 5, which is**  
 17 **dated 2013; this is before your time?**  
 18 A Um-hmm.  
 19 **Q And yet in the first sentence of your affidavit in**  
 20 **paragraph 3 you state:**  
 21 **"The Hamtramck Human Relations**  
 22 **Commission was at no time since its**  
 23 **establishment given "total authority"**  
 24 **to decide what flags to display on**  
 25 **the city flag poles contrary to**

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1 **allegations made in Plaintiffs'**  
2 **affidavit in the sense that it/they**  
3 **could act autonomously from City of**  
4 **Hamtramck authority."**  
5 **On what basis do you make that statement, sir?**  
6 A Their authority is derived from City Council, which can  
7 be given or taken away at any time by City Council.  
8 **Q But you said -- sorry. You stated in that paragraph "at**  
9 **no time."**  
10 **"At no time," which means never; correct?**  
11 A So --  
12 **Q Just answer my question. Does "no time" mean never?**  
13 A Do you want me to answer or do you want to --  
14 **Q No. I want you to answer my question, not your question.**  
15 A Okay.  
16 **Q Answer my question.**  
17 MR. MEROUEH: Objection.  
18 A I'm going to answer a question, or you're going to cut me  
19 off.  
20 BY MR. SUSSELMAN:  
21 **Q Answer my question. Does not that statement --**  
22 A No. I'm going to respond to you.  
23 **Q Will you please answer my question?**  
24 MR. MEROUEH: Sounds like he's trying to.  
25 MR. SUSSELMAN: No, he's not.

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1 **Q Tell me what you mean, then, by "at no time." When did**  
2 **that begin and when does it end?**  
3 A So, I will, again, try and answer your question.  
4 **Q Good. Please.**  
5 A So Council has authority to give and take authority to  
6 these flags. Clearly, there's a resolution here giving  
7 authority, or not giving authority.  
8 Over the years it's been my understanding that,  
9 clearly, what I wrote here in this affidavit, that there  
10 has been give and take on things.  
11 And I also know that there has been flags went  
12 up and down. And it's been my understanding that Russ  
13 has accommodated, over the years, various flags for  
14 various organizations and various things, and put flags  
15 up for various people that wanted them, and did different  
16 things.  
17 So the commission has, basically, tried to  
18 accommodate the will of the community.  
19 **Q Excuse me.**  
20 A So, I would say --  
21 **Q Don't answer the --**  
22 MR. MEROUEH: I'm sorry. But he's trying to  
23 finish --  
24 MR. SUSSELMAN: No. The answer is not  
25 responsive.

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1 MR. MEROUEH: It does sound like he's trying.  
2 BY MR. SUSSELMAN:  
3 **Q Does the statement "at no time" mean never?**  
4 A I'm not going to say what you want me to say. I'm either  
5 going to answer a question or I'm not going to answer  
6 your question.  
7 **Q I'm allowed to ask you leading questions.**  
8 MR. SUSSELMAN: I want this witness to be  
9 designated as a hostile witness.  
10 MR. MEROUEH: I don't agree. I don't think  
11 he's being hostile.  
12 MR. SUSSELMAN: Oh, really.  
13 BY MR. SUSSELMAN:  
14 **Q When you state "at no time," you mean going back to 2013;**  
15 **do you not?**  
16 A I'm happy to try and answer your question --  
17 **Q Please.**  
18 A -- but I'm not going to say what you want me to say.  
19 **Q I want you to tell the truth.**  
20 A I'm trying to --  
21 **Q Good.**  
22 A But you, apparently, want me to say what you want me to  
23 say, and that's not going to happen.  
24 **Q Um-hmm.**  
25 A So I'm happy to try --

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1 BY MR. SUSSELMAN:  
2 **Q You're not responding to my question. Let me rephrase**  
3 **it, then.**  
4 MR. MEROUEH: I'm sorry. But he was trying to  
5 finish his answer. You cut him off. He was answering  
6 your --  
7 MR. SUSSELMAN: Because he's not being  
8 responsive. He's not --  
9 MR. MEROUEH: He is responding exactly to your  
10 question.  
11 MR. SUSSELMAN: No, he's not.  
12 MR. MEROUEH: Yes, he is.  
13 MR. SUSSELMAN: He's not.  
14 MR. MEROUEH: He's not answering what you want  
15 to hear, but --  
16 MR. SUSSELMAN: No.  
17 MR. MEROUEH: -- that doesn't mean it's not  
18 what the answer is.  
19 MR. SUSSELMAN: No. He's not answering the  
20 question.  
21 BY MR. SUSSELMAN:  
22 **Q Mr. Garbarino --**  
23 MR. MEROUEH: No. I'm sorry. But you have to  
24 let me finish too.  
25 MR. SUSSELMAN: Go ahead. Finish -- finish

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1 your answer.

2 MR. MEROUEH: At this point, I doubt he  
3 remembers what he was saying.

4 MR. SUSSELMAN: Yeah. He's making up --

5 BY MR. SUSSELMAN:

6 **Q Go ahead. Answer the question.**

7 MR. MEROUEH: I'm sorry. Objection. He's not  
8 making anything up. You gotta -- you can't act this way,  
9 Brother Counsel. This is not how you comport yourself.

10 MR. SUSSELMAN: Um-hmm.

11 MR. MEROUEH: You gotta comport yourself --

12 MR. SUSSELMAN: Um-hmm.

13 MR. MEROUEH: You've got to comport yourself --

14 MR. SUSSELMAN: No, no, no.

15 MR. MEROUEH: I'm sorry. But --

16 MR. SUSSELMAN: I've been comporting myself for  
17 45 years.

18 MR. MEROUEH: I don't care if it's a hundred  
19 years, but this isn't the way to comport yourself. I'm  
20 sorry.

21 BY MR. SUSSELMAN:

22 **Q Mr. Garbarino, go on, finish your answer.**

23 A I mean, candidly, I completely lost my train of thought  
24 at this point listening to back and forth.

25 **Q Okay. I'll ask you another question.**

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1 A If you want to -- if you would like to re-ask the  
2 original question, I will attempt to answer it again.

3 **Q I'm asking you this question. And it's not a complicated  
4 question.**

5 **The question is does the year 2013, does the  
6 phrase "no time" include the year 2013?**

7 A Pertaining to what?

8 **Q Not "pertaining" to anything. Does --**

9 A What -- no. That is a half question.

10 **Q No, it's not.**

11 A No. Explain to me --

12 **Q I'm asking you a simple --**

13 A Explain your question more.

14 **Q So you don't know -- you can't answer the question  
15 whether --**

16 A Explain your question.

17 **Q Is 2000 --**

18 A Elaborate on your question.

19 **Q When you say "at no time" --**

20 A Elaborate on your question.

21 **Q Okay. When you say in your paragraph 3 of your affidavit  
22 that "at no time since this establishment of -- was the  
23 Human Relations Commission given total authority to  
24 decide on what flags to display," are you including the  
25 year 2013?**

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1 **When you say "at no time," does that include  
2 the year 2013?**

3 A I'm not going to just follow up with a -- with a  
4 question.

5 **Q You can't answer that question whether "at no time"  
6 included --**

7 MR. MEROUEH: Objection. Asked and answered.

8 MR. SUSSELMAN: No, it hasn't.

9 BY MR. SUSSELMAN:

10 **Q Are you sitting telling us you don't know --**

11 A I'm not going to -- you're just randomly asking me a --

12 **Q This isn't random. I'm asking you a direct question.**

13 A No. Sorry.

14 **Q Does "at no time" include the year 2013?**

15 A Next question.

16 MR. SUSSELMAN: Let the record reflect that the  
17 witness is refusing to answer the question.

18 MR. MEROUEH: He already answered the question.

19 MR. SUSSELMAN: No, he hasn't.

20 A If you want to rephrase --

21 MR. SUSSELMAN: No, he hasn't.

22 A -- your original question, I will attempt to answer it  
23 again. Every time I tried to answer your question --

24 BY MR. SUSSELMAN:

25 **Q No. Answer this question.**

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1 A So you're asking -- so you're asking -- Hold on. I can't  
2 repeat it myself at this point now because now I've  
3 twisted myself up.

4 Ask me one more time.

5 **Q In paragraph 3 in the first sentence, when you use the  
6 phrase "no time was the Human Relations Commission given,  
7 quote, unquote, total authority to decide what flags to  
8 display on the city flag poles," are you including within  
9 the time frame of "no time" the year 2013?**

10 A Okay. So I do not believe that they were given -- ever  
11 given complete autonomy to ever do completely what they  
12 were wanting, no.

13 **Q Okay. So can you --**

14 A I stand by my affidavit.

15 **Q And -- well, I hope you would.**

16 **You were not involved in -- regarding  
17 Plaintiffs' Exhibit Number 5, the resolution that was  
18 passed in 2013. You've indicated this was before your  
19 time; correct?**

20 A Correct.

21 **Q And you had played no role whatsoever in the discussion,  
22 sponsoring, or recommendation, or passage of that  
23 resolution?**

24 A From 2013?

25 **Q Correct.**

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1 A Correct.

2 **Q And you would agree that the year 2013 falls within the**

3 **scope of the time span of "no time"; correct?**

4 A I stand by my affidavit.

5 **Q Yeah. Right.**

6 **So, can you point out to me where in**

7 **Plaintiffs' Exhibit Number 5 did that resolution limit**

8 **the authority of the Human -- of those appointed to the**

9 **Human Relations Commission regarding deciding what flags**

10 **would be displayed as part of the flag promotion program?**

11 MR. MEROUEH: Objection.

12 A No.

13 MR. MEROUEH: Asked and answered.

14 BY MR. SUSSELMAN:

15 **Q I'm asking you directly, sir --**

16 A Nope.

17 **Q -- point out to me --**

18 A Cannot.

19 **Q -- where in that resolution it limits their authority?**

20 A Cannot. It's before my time.

21 **Q So, therefore, you cannot?**

22 A It's before my time.

23 **Q Right. So, therefore, in that first sentence, you made a**

24 **statement that Human Relations Commission never had total**

25 **authority --**

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1 **Commission was not given total authority; correct?**

2 MR. SUSSELMAN: Let the record reflect that

3 Mr. Garbarino's looking at his phone rather than

4 answering the question.

5 MR. MEROUEH: Asked and answered.

6 MR. SUSSELMAN: No, he hasn't.

7 A I did just answer that question.

8 BY MR. SUSSELMAN:

9 **Q So, essentially, what you're saying is the sentence is**

10 **false; correct?**

11 **You signed, under oath, a statement that is**

12 **false?**

13 MR. MEROUEH: You're testifying now; right?

14 MR. SUSSELMAN: It's a leading question.

15 BY MR. SUSSELMAN:

16 **Q Did you not sign this affidavit under oath and you swore**

17 **that the first sentence of paragraph 3 was true; did you**

18 **not, sir?**

19 A Are you now making stuff up, Counselor? Are you --

20 **Q No.**

21 A -- answering questions --

22 **Q Do you --**

23 MR. MEROUEH: You asked to treat him as a

24 hostile witness. I said no.

25 You've been doing it. You've been wagging your

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1 A It's before my time.

2 **Q Before your time. Yet you make the statement --**

3 MR. MEROUEH: He already explained that he

4 said --

5 MR. SUSSELMAN: No, he hasn't.

6 MR. MEROUEH: Yes, he did.

7 MR. SUSSELMAN: No. No.

8 MR. MEROUEH: He said the City Council passed a

9 resolution, which gave them the authority to rescind it.

10 That's what he said.

11 MR. SUSSELMAN: No.

12 MR. MEROUEH: He said it gave them the

13 authority to give it to them or not. That gives the City

14 Council the authority. That's what he said.

15 BY MR. SUSSELMAN:

16 **Q Mr. Garbarino --**

17 MR. MEROUEH: It's been asked and answered.

18 MR. SUSSELMAN: No, it hasn't.

19 MR. MEROUEH: Yes, it has.

20 BY MR. SUSSELMAN:

21 **Q Mr. Garbarino, your testimony that Plaintiffs' Exhibit**

22 **Number 5, the resolution that gave the Human Relations**

23 **Commission authority to decide what flags to raise, you**

24 **were not involved in that whatsoever, therefore, you were**

25 **not in a position to say that in 2013 the Human Relations**

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1 finger --

2 Let the record reflect he's been wagging his

3 finger at him. He's been yelling at him.

4 MR. SUSSELMAN: I didn't wag my finger.

5 MR. MEROUEH: He's been raising his voice.

6 Do you need a break, Mr. Susselman, so you can

7 calm down?

8 A Counselor, I literally was trying to answer questions for

9 you. I literally was trying to answer questions for you.

10 BY MR. SUSSELMAN:

11 **Q No, you're not.**

12 A I absolutely -- I was --

13 MR. MEROUEH: He's answered it ten times --

14 A -- and you literally were --

15 MR. MEROUEH: -- for you.

16 A -- cutting me off.

17 MR. MEROUEH: We can take a five-minute break

18 if you need it.

19 BY MR. SUSSELMAN:

20 **Q You admitted you have no knowledge regarding what**

21 **authority --**

22 A This resolution was before my time.

23 **Q Right.**

24 A I stand by my affidavit.

25 **Q So, you stand by --**

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1 A I stand by my affidavit. I explained to you that I do  
 2 not feel that they had the -- that Council -- or that the  
 3 Human Relations has complete autonomy.  
 4 **Q And what --**  
 5 MR. MEROUEH: He's answered it now.  
 6 MR. SUSSELMAN: No.  
 7 BY MR. SUSSELMAN:  
 8 **Q What is that feeling based on, sir?**  
 9 A What is it based on?  
 10 **Q Yeah. Well, would you --**  
 11 A My --  
 12 **Q In --**  
 13 A My perception --  
 14 MR. MEROUEH: He's trying to answer.  
 15 BY MR. SUSSELMAN:  
 16 **Q Okay. In the resolution --**  
 17 A My experience and expertise. My perception.  
 18 **Q You've not been qualified as an expert, sir.**  
 19 MR. MEROUEH: He told you he was an attorney;  
 20 right?  
 21 A I did not say I'm an attorney.  
 22 MR. SUSSELMAN: He's certainly not an expert in  
 23 the law.  
 24 MR. MEROUEH: I have -- he is an attorney;  
 25 right?

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1 before my time. I'm not doing your job. You do that.  
 2 **Q Yeah. Well, I will do that --**  
 3 A Good. That's fine.  
 4 **Q -- because this resolution nowhere -- that was passed**  
 5 **before your time --**  
 6 MR. MEROUEH: Again, you're -- you're  
 7 testifying. I'm going to cut you off. Sir, you can't  
 8 testify. This is --  
 9 BY MR. SUSSELMAN:  
 10 **Q You admitted you cannot find where in the resolution --**  
 11 THE WITNESS: I'm going to look at my phone  
 12 again. Go ahead and put that on the record. Because I  
 13 want to make sure everything's fine at my house.  
 14 MR. SUSSELMAN: Let the record reflect that the  
 15 witness is looking something up on his phone rather than  
 16 paying attention to the question.  
 17 MR. MEROUEH: He just told you he was doing  
 18 that while you were yelling and screaming.  
 19 So, if you want to ask him questions in a calm  
 20 manner, you can do that.  
 21 BY MR. SUSSELMAN:  
 22 **Q As chief of police, you testified when you left in 2014,**  
 23 **you played no role, really, in the administration of the**  
 24 **City of Hamtramck; correct?**  
 25 A I believe we've covered that. But, yes, you are correct.

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1 A I did not say "attorney."  
 2 MR. SUSSELMAN: No. Law school, not an  
 3 attorney.  
 4 MR. MEROUEH: All right. Lawyer.  
 5 MR. SUSSELMAN: There's lots of attorneys that  
 6 aren't experts.  
 7 BY MR. SUSSELMAN:  
 8 **Q Mr. Garbarino, you acknowledge that Resolution 223-102**  
 9 **was a resolution that gave authority to the city -- to**  
 10 **the Human Relations Commission of the City of Hamtramck**  
 11 **to decide what flags to raise on the government flag**  
 12 **poles on Joseph Campau Avenue; correct?**  
 13 A I read the resolution to you.  
 14 **Q Um-hmm. And you cannot point out where in that**  
 15 **resolution that limited their authority; correct?**  
 16 A I did not interpret this resolution. I read it to you.  
 17 **Q Interpret it, then.**  
 18 A No, because --  
 19 **Q You're a lawyer.**  
 20 A -- I'm not speculating on this resolution.  
 21 **Q You're not speculating. It's right there in black and**  
 22 **white.**  
 23 A No, I'm not speculating.  
 24 **Q You're not speculating?**  
 25 A It's not my job to speculate on this resolution. It's

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1 **Q And between 2014 and 2020, you also played -- you were**  
 2 **not employed by the City of Hamtramck during that time;**  
 3 **correct?**  
 4 A That is correct.  
 5 **Q And, therefore, you played no role during that time**  
 6 **period regarding the administration of the City of**  
 7 **Hamtramck; correct?**  
 8 A That is correct.  
 9 **Q When you returned to the City of Hamtramck in 2020 as the**  
 10 **chief of police, again, you played no role in the**  
 11 **management of the -- administration of the City of**  
 12 **Hamtramck; correct?**  
 13 A I'm sorry. Repeat the question.  
 14 **Q In 2020 when you returned as chief of police, you played**  
 15 **no role --**  
 16 A I did not return in 2020 as chief of police.  
 17 **Q Let's see.**  
 18 A Director of safety.  
 19 **Q Correct. Sorry. Excuse me.**  
 20 A Would you like to compose yourself for a moment?  
 21 **Q I'm sorry. What?**  
 22 A Would you like to stop and compose yourself for a moment?  
 23 **Q As director of public safety, you returned to the City of**  
 24 **Hamtramck in 2020?**  
 25 A I'm not trying to be mean. I'm trying to be nice.

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- 1 **Q Yeah, sure.**  
2 A I'm not trying to be a smart ass, if that --  
3 **Q Oh, really? Okay. Good.**  
4 MR. MEROUEH: I mean, he's asking because  
5 you're going crazy on him.  
6 BY MR. SUSSELMAN:  
7 **Q In 2020, as director of public safety --**  
8 THE WITNESS: Katrina, I wasn't trying to be  
9 mean.  
10 BY MR. SUSSELMAN:  
11 **Q Yeah. In 2020, you played no role in the administration**  
12 **of the City of Hamtramck; correct?**  
13 A Well, to some degree. I mean, I did everything the city  
14 manager needed in addition. I mean, I was there as a  
15 go-to.  
16 **Q As a "go-to," you weren't really -- didn't have decisive**  
17 **authority in how the city was run; correct?**  
18 A That is correct.  
19 **Q And you didn't acquire that role until sometime when you**  
20 **became the acting city manager after 2020, but you don't**  
21 **remember the date exactly when you came back as city**  
22 **manager; correct?**  
23 A I would have to look it up.  
24 **Q Okay. Now, when you became the acting city manager in**  
25 **2020, who was the Mayor?**

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- 1 **Q So prior to Mayor Ghalib, how many mayors did you have**  
2 **actual interaction and contact with?**  
3 A I've had contact with lots of mayors, but not as city  
4 manager or acting city manager.  
5 Well, I mean, I've had contact with them, but  
6 not when they were in office. I mean, I've had contact  
7 with them in various capacities over the years, but not  
8 while I was in office and they were in office.  
9 **Q In paragraph 3, in the next sentence you state:**  
10 "The previous Mayor and city  
11 managers --  
12 How many city managers have you known prior to  
13 you becoming city manager?"  
14 A How many city managers from here?  
15 **Q Yeah.**  
16 A All of them.  
17 **Q At the City of Hamtramck?**  
18 A All of them.  
19 **Q And who were they?**  
20 A Crawford. Copper. Tertzag. Angerer. Emergency manager  
21 is -- what the hell was her name? Square. Powell. I  
22 don't know.  
23 **Q Do you have any recollection having any conversations**  
24 **with any of those city managers regarding the city's**  
25 **policy regarding displaying of flags on --**

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- 1 A Mayor Ghalib.  
2 **Q And who was the Mayor after Mayor Ghalib?**  
3 A He still is.  
4 **Q When did Mr. Ghalib become Mayor? When did his term**  
5 **start?**  
6 A I don't -- I don't know when the term started.  
7 **Q So --**  
8 A It was before I was appointed. I don't know when the  
9 term started.  
10 **Q So you were appointed acting city manager sometime after**  
11 **2020?**  
12 A Yeah. I came back to the city in 2020 as director of  
13 safety, but I don't remember when --  
14 Mayor Majewski was still here, so I don't  
15 remember when Mayor Ghalib took office. I'd have to -- I  
16 get all mixed up. My dates -- I'm bad with dates.  
17 **Q So Mayor Ghalib was preceded by Mayor?**  
18 A Majewski.  
19 **Q Majewski. But you don't remember when that happened?**  
20 A Not off the top of my head.  
21 **Q Was Mayor Majewski Mayor at any time when you were the**  
22 **acting city manager?**  
23 A No.  
24 **Q She was not?**  
25 A No.

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- 1 A No.  
2 **Q You have no recollection of having any?**  
3 A No.  
4 **Q When you say you have no recollection, do you mean you**  
5 **had no such conversations or you just can't remember?**  
6 A If I did, I definitely don't remember it.  
7 **Q Would you say it's not likely you had such conversation**  
8 **with such --**  
9 A Probably not likely.  
10 **Q Not likely. So in the second sentence of paragraph 3 you**  
11 **state:**  
12 "The previous Mayor and city  
13 managers over the years generally  
14 approved or acquiesced in the flags  
15 being flown as long as they were  
16 generally accepted in the community."  
17 Do you have any personal knowledge of that? Of  
18 what they acquiesced to or didn't?  
19 Did you acknowledge that you had any  
20 conversations about the issue with any prior city  
21 managers?  
22 How do you know that? From personal knowledge,  
23 or are you claiming hearsay? You know what hearsay is.  
24 You're any attorney. You know what hearsay is; right?  
25 A Impression, I would say.

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1 **Q "Impression?"**  
2 A Interpretation.  
3 **Q "Interpretation." Okay.**  
4 **Impression based on what? Based on any**  
5 **personal knowledge, sir?**  
6 A I'm trying to think. Not that I can point to.  
7 MR. MEROUEH: Other than what's in the  
8 affidavit, I assume.  
9 MR. SUSSELMAN: Well, I'm asking about the  
10 affidavit. The affidavit says what it says.  
11 I'm asking on what does he base those  
12 statements that he swore to under oath.  
13 MR. MEROUEH: In the affidavit it mentions  
14 Serbia.  
15 MR. SUSSELMAN: Right. I'm not -- I'll get to  
16 that next.  
17 MR. MEROUEH: Well --  
18 MR. SUSSELMAN: I'd like an answer to this  
19 question.  
20 BY MR. SUSSELMAN:  
21 **Q On what do you base -- on your personal knowledge do you**  
22 **base your statement, that you swore to under oath, the**  
23 **previous Mayor and some of the managers --**  
24 A It's my impression having -- over the years having seen  
25 and interacted with various community and city managers,

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1 **Q Well, you said it was likely?**  
2 A I also recall going to plenty of Human Relations  
3 Commissions when I was chief of police as well, but I  
4 can't tell you what even the context of the meetings were  
5 at those points.  
6 **Q So your statement -- and that's your impression and your**  
7 **interpretation is based on speculation and hearsay;**  
8 **correct?**  
9 MR. MEROUEH: He told you experience. You're  
10 trying to throw legal terms at -- objection.  
11 MR. SUSSELMAN: What's your objection? Just  
12 state your objection.  
13 MR. MEROUEH: My objection is that you're --  
14 MR. SUSSELMAN: Don't coach him. Just  
15 answer --  
16 MR. MEROUEH: You're using legal terminology to  
17 try to confuse, so --  
18 MR. SUSSELMAN: Well, he's a lawyer.  
19 MR. MEROUEH: It doesn't matter. You just  
20 claimed he wasn't an expert. You went crazy about --  
21 MR. SUSSELMAN: He's a lawyer.  
22 MR. MEROUEH: -- how he doesn't understand the  
23 law. So if you're going to say that he doesn't  
24 understand the law, then you're using legal terms to  
25 confuse the situation.

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1 and interacting with Russ and everybody else that -- how  
2 it went. But I can't point to specific.  
3 **Q Well, you say they "generally approved or acquiesced."**  
4 **And you testified that you don't recall having any**  
5 **conversations with any prior city managers.**  
6 A Not specifically.  
7 **Q In fact, you said you don't believe you had any such**  
8 **conversations. That was your testimony?**  
9 A Not specifically.  
10 **Q Now, you said you don't -- you did not have -- that was**  
11 **your testimony, sir. You did not --**  
12 MR. MEROUEH: That's not what his testimony  
13 was. He said he didn't recall.  
14 MR. SUSSELMAN: And then he said -- I asked  
15 him --  
16 MR. MEROUEH: Whether it was likely.  
17 MR. SUSSELMAN: -- was it likely you did not  
18 have --  
19 MR. MEROUEH: That's a mischaracterization of  
20 what he said, yes.  
21 A I don't recall specifically.  
22 BY MR. SUSSELMAN:  
23 **Q And it's likely you did not have any was your testimony;**  
24 **correct?**  
25 A Very well could have. I don't recall.

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1 MR. SUSSELMAN: Yeah. Right. Right.  
2 MR. MEROUEH: What's wrong about that? That's  
3 exactly what's happened; right?  
4 MR. SUSSELMAN: Right.  
5 MR. MEROUEH: Right.  
6 BY MR. SUSSELMAN:  
7 **Q Look, you don't have any personal knowledge, based upon**  
8 **your observations, your personal observations as to what**  
9 **the policy was as to how it's determined what flags would**  
10 **be raised on the flag poles of Joseph Campau Avenue;**  
11 **correct?**  
12 A I believe I already answered this.  
13 **Q Based on your impression, is that your answer?**  
14 A Yes, it is.  
15 **Q Great. In the next sentence you state:**  
16 **"There was, to my knowledge,**  
17 **at least one occasion when the**  
18 **City of Hamtramck intervened and**  
19 **prevented the Commission from**  
20 **flying a flag of Serbia while**  
21 **ongoing conflict was occurring in**  
22 **the region (which is also alluded to**  
23 **in the Plaintiff's affidavit."**  
24 **So let me ask you. Isn't your knowledge of**  
25 **that incident based solely and exclusively on the**

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1 contents of Mr. Gordon's affidavit and not your personal  
2 knowledge?  
3 A Yeah. Candidly, I would have to say that's where they  
4 came from.  
5 Q Okay.  
6 A So I don't know.  
7 MR. MEROUEH: That's good, if that's the honest  
8 truth.  
9 BY MR. SUSSELMAN:  
10 Q So your knowledge, so told, is --  
11 Well, would you read this affidavit before you  
12 signed it; didn't you?  
13 A It came from what you guys --  
14 Q Well, yeah, but you're a lawyer. You know you're not  
15 supposed to sign an affidavit that you don't read; right?  
16 MR. MEROUEH: He's already claimed that he read  
17 it.  
18 A You sent it to us.  
19 BY MR. SUSSELMAN:  
20 Q Who sent it to you?  
21 A Wait a minute.  
22 MR. MEROUEH: He's confused by which affidavit  
23 you're referring to, so be specific.  
24 BY MR. SUSSELMAN:  
25 Q I'm talking about your affidavit, sir.

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1 a fact, but --  
2 MR. SUSSELMAN: Changes the fact that he's not  
3 competent to testify in the matter, that's what it  
4 changes.  
5 MR. MEROUEH: If that's what you're saying.  
6 A I just explained to you that I don't have first-hand  
7 knowledge.  
8 MR. MEROUEH: You can bring that up with the  
9 judge.  
10 MR. SUSSELMAN: Certainly will, believe me.  
11 BY MR. SUSSELMAN:  
12 Q You then state:  
13 "Councilmen have at times made  
14 me aware of other flag requests  
15 they've received which have not been  
16 approved."  
17 Which Councilmen have given you this  
18 information, sir?  
19 A Hassan --  
20 COURT REPORTER: I'm sorry.  
21 MR. SUSSELMAN: Don't look at your attorney.  
22 COURT REPORTER: I didn't catch your answer,  
23 sir?  
24 A Hassan.  
25

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1 So, wait a minute. Are you saying Mr. Meroueh  
2 sent you this affidavit that he drafted?  
3 A You --  
4 MR. MEROUEH: He's talking about Russ's  
5 affidavit --  
6 A You acknowledged to us --  
7 MR. MEROUEH: -- which you're not  
8 understanding.  
9 A -- that that Serbian flag --  
10 BY MR. SUSSELMAN:  
11 Q I did not acknowledge anything. I'm not testifying.  
12 A All right.  
13 Q You state in your affidavit that you learned about this  
14 issue regarding the Serbian flag --  
15 A From your --  
16 Q Not mine.  
17 A Not you.  
18 Q -- from Mr. Gordon's affidavit.  
19 A Yes. What you just learned, the -- what you literally  
20 just explained to us. When Russ told us about that, yes,  
21 that's when I learned of that. I don't have first-hand  
22 knowledge of that personally.  
23 Q Right.  
24 A Which we then --  
25 MR. MEROUEH: Doesn't change the fact that it's

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1 BY MR. SUSSELMAN:  
2 Q Mohammed Hassan?  
3 A I think it was that.  
4 Q And what did he tell you?  
5 A That there was a request for flags --  
6 Q What did he --  
7 A I believe also the Mayor.  
8 Q How many conversations did you have with him?  
9 A I don't recall specifically.  
10 MR. MEROUEH: Did you catch that where he said  
11 the Mayor?  
12 A Mayor Ghalib, also, said he had requests.  
13 BY MR. SUSSELMAN:  
14 Q How many conversations did you with --  
15 A I don't recall specifically.  
16 Q Will you let me finish the question?  
17 MR. MEROUEH: You won't let him finish the  
18 answers, so --  
19 A I thought that was the end of the question.  
20 BY MR. SUSSELMAN:  
21 Q No, it wasn't.  
22 How many times -- how many conversations did  
23 you have with Mr. Hassan? With Councilman Hassan about  
24 requests by others for displaying flags?  
25 A I don't recall specifically.

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- 1 **Q Was it more than one?**  
 2 A I believe I've heard him mention it more than once.  
 3 **Q Under five?**  
 4 A Yeah, certainly.  
 5 **Q And did he tell you what flag was being requested to be**  
 6 **displayed?**  
 7 A No.  
 8 **Q Didn't tell you the flag --**  
 9 A No specifics.  
 10 **Q No "specifics."**  
 11 Mayor Ghalib, how many times did you have a  
 12 conversation with Mayor Ghalib?  
 13 A Under five.  
 14 **Q "Under five?"**  
 15 A And it wasn't direct conversations. I've heard him  
 16 mention it, though.  
 17 **Q These aren't conversations you had with the Mayor?**  
 18 A I heard him speak in regards to it, casual  
 19 conversations --  
 20 **Q That you were --**  
 21 A -- with people. I was privy to them.  
 22 **Q You were present in the room when they had those**  
 23 **conversations?**  
 24 A Correct. That's a fair statement.  
 25 **Q Okay. So what about the statements by Mr. Hassan, were**

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- 1 MR. SUSSELMAN: No, he has not. This is a  
 2 statement --  
 3 BY MR. SUSSELMAN:  
 4 **Q This is another false statement by you; correct?**  
 5 **No one made you directly aware. You happened**  
 6 **to be in the room and overheard conversations; correct?**  
 7 MR. MEROUEH: He was part of the conversation.  
 8 Doesn't mean he was made directly aware.  
 9 Objection.  
 10 MR. SUSSELMAN: Just state your objection as to  
 11 form -- as to foundation or form. That's your objection.  
 12 Don't coach the witness.  
 13 MR. MEROUEH: I'm not coaching anybody. I'm  
 14 just --  
 15 MR. SUSSELMAN: Yes, you are.  
 16 MR. MEROUEH: No. When an attorney is going  
 17 out of the bounds of ethics, when they're --  
 18 MR. SUSSELMAN: I'm not doing any of that.  
 19 MR. MEROUEH: Yes, you are.  
 20 MR. SUSSELMAN: No, I'm not.  
 21 MR. MEROUEH: You're unhinged almost.  
 22 MR. SUSSELMAN: Yeah.  
 23 MR. MEROUEH: When an attorney's acting  
 24 unhinged, I have the right to step in.  
 25

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- 1 those made directly to you or were you a witness to them  
 2 and you were in the room when they were made?  
 3 A In the room.  
 4 **Q You were "in the room?"**  
 5 A (Witness nods head yes.)  
 6 **Q So in your affidavit you state:**  
 7 "Councilmen have at times made  
 8 me aware of other flag requests  
 9 they've received which have not been  
 10 approved."  
 11 You give the implication in that statement that  
 12 you were made aware directly by the Councilmen. And now  
 13 you're saying you happened to be in the room.  
 14 A Casual conversation. In the room. I mean, it's  
 15 nuisances in conversation.  
 16 **Q Well, how is that making you aware if you are in the**  
 17 **presence when discussing with somebody else?**  
 18 A You're cutting hairs here, Councilman[sic]. Counselor.  
 19 **Q No, I'm not.**  
 20 A Yeah, you are.  
 21 **Q No, I'm not.**  
 22 You say they made you aware, which is a  
 23 statement that they spoke to you directly.  
 24 MR. MEROUEH: Objection. Again, he's answered  
 25 it. You're making --

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- 1 MR. SUSSELMAN: You tell the judge I'm  
 2 unhinged.  
 3 MR. MEROUEH: I don't have to. You can read it  
 4 right in the deposition notes.  
 5 MR. SUSSELMAN: Yeah.  
 6 BY MR. SUSSELMAN:  
 7 **Q Do you know who made the decision whether -- in these**  
 8 **cases, who made the decisions whether or not to raise the**  
 9 **flags that purportedly were requested to Councilman**  
 10 **Hassan or Mayor Ghalib? Who made the final decision; do**  
 11 **you know?**  
 12 A I'm sorry. Can you repeat that question?  
 13 **Q Who made the final decision as to whether the flags --**  
 14 **that you overheard Councilman Hassan and Mayor Ghalib**  
 15 **talking about that requests were being made to raise, who**  
 16 **made the final decision as to raise or not raise, or**  
 17 **display or not display those flags; do you know?**  
 18 A Council.  
 19 **Q "Council?"**  
 20 A Council made the decision.  
 21 **Q When?**  
 22 A They passed a resolution to --  
 23 **Q We'll get to that. We'll get to that.**  
 24 **Prior to June 23rd of 2023, do you know who**  
 25 **made the decision whether or not to display the flags as**

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1 you indicate you overheard Councilman Hassan and Mayor  
2 Ghalib referring to that requests had been made to  
3 display? Who made the final decision prior to June 23rd  
4 of 2023?

5 A I don't understand exactly what you're asking me.

6 What do you mean who made the final decision?

7 Q Who made the final -- prior to June 23rd, as to whether  
8 the flags that were being requested would be displayed or  
9 not displayed?

10 If you don't know, just say "I don't know."

11 A Well, I would have to say I don't know because I don't  
12 understand what specifically you're asking.

13 I mean, Council --

14 Q Okay.

15 A -- ultimately, decided they wanted a resolution --

16 Q That's enough. That's enough.

17 A Now, if there's something specific --

18 Q Okay. In your affidavit in paragraph 3, the last  
19 sentence that we read, you say:

20 "Councilmen have at times

21 made me aware of other flag

22 requests that were received which

23 have not been approved."

24 How is the decision to approve or not approve  
25 made; do you know?

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1 in that statement is Plaintiff's Exhibit Number 6;  
2 correct?

3 A Where were you referring to in the affidavit?

4 Q Paragraph 4.

5 A That would be correct.

6 Q Okay. And in that statement you state -- your previous  
7 testimony that prior to June of 2023 you overheard  
8 conversations that were not directly directed to you, but  
9 you overheard conversations in which Councilman Hassan  
10 and Mayor Ghalib participated in where they discussed  
11 requests to display flags by others. But you don't know  
12 who decided to display or not display those flags. That  
13 was your testimony; correct?

14 A That is correct.

15 Q Yet -- so you don't know, really, what the history of  
16 monitoring and intervention of the flag poles was prior  
17 to June of 2023; do you?

18 A Prior to?

19 Q June of 2023.

20 A I'm sorry. Repeat that.

21 Q You don't know, prior to June of 2023, what the history  
22 of monitoring and occasional intervention of the flag  
23 poles on the City of Hamtramck were, what that monitoring  
24 was, or what the occasional intervention was prior to  
25 June of 2023?

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1 A I can't speak to that. I mean, I don't know.

2 Q You don't know.

3 MS. STACKPOOLE: How do you -- sorry.

4 A I don't know.

5 BY MR. SUSSELMAN:

6 Q You don't know. Very good.

7 (Exhibit 6 was marked for identification.)

8 BY MR. SUSSELMAN:

9 Q Mr. Garbarino, can you identify what has been marked as  
10 Plaintiff's Exhibit 6?

11 A Resolution.

12 Q What's the number?

13 A Twenty-three dash eighty-two[sic].

14 Q You mean 2023-82?

15 A Twenty-three-eighty-two[sic]. 2022. 2023-82.

16 Q All right. In paragraph 4 of your affidavit you state:

17 "In June of 2023, in keeping  
18 with the City of Hamtramck's history  
19 of monitoring and occasional intervention  
20 of the flag poles, the City of Hamtramck  
21 Mayor and City Council passed a resolution  
22 more carefully defining what flags were  
23 permissible."

24 Okay. And the resolution you're referring to

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1 A Well, I would say that that would refer to Russ reaching  
2 out to the city administration or the elected officials  
3 at any given point, or the Human Relations Commission  
4 facing with city administration.

5 Q So let me see if I understand what you're saying.

6 You're saying you have personal knowledge of  
7 discussions that Russ Gordon had with the city prior to  
8 June of 2023 relating to the decision as to what flags to  
9 display or not display on Joseph Campau Avenue?

10 A Not specifically.

11 Q "Not specifically."

12 A But you asked me --

13 Q Yes.

14 A -- what my interpretation of that would be. And I would  
15 say --

16 Q No, I didn't ask you your interpretation, sir.

17 I asked you what history of monitoring and  
18 occasional intervention were you aware of prior to June  
19 of 2023? But you testified you had no direct knowledge  
20 as to how the decision was made one way or the other.

21 A So you asked me --

22 Q Um-hmm.

23 A I just picked myself up a little bit here, so ask me the  
24 question again. I don't want to misanswer[sic]. So if  
25 you want me to answer again, you're going to have to ask

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1 me the question again.  
 2 MR. SUSSELMAN: Read it back.  
 3 (Record repeated.)  
 4 A Not specifically aware of the -- any specific occasion,  
 5 but my interpretation would be that Russ would interface  
 6 with city administration.  
 7 BY MR. SUSSELMAN:  
 8 **Q Based on what? Your interpretation is based on what?**  
 9 A Okay. Well, I do know that Russ, actually, did have  
 10 conversations from Russ telling me he had conversations  
 11 with Cathy in the past and the former Mayor.  
 12 **Q Cathy who?**  
 13 A Cathy Angerer, my predecessor in the past, and the former  
 14 Mayor Majewski. So I know there was interactions at  
 15 least --  
 16 **Q Yes.**  
 17 A -- but I don't know of occasions or times.  
 18 **Q Okay.**  
 19 A So I know there was interactions in --  
 20 **Q Okay.**  
 21 A So, yeah, a hundred percent there was some sort of  
 22 communications between here.  
 23 Now, do I know of when, or where, or how? No,  
 24 I don't.  
 25 **Q What were those communications?**

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1 **Q Was it the case that he told you about the Serbian flag?**  
 2 A It may have been. I don't recall.  
 3 But he specifically said he did not want to get  
 4 involved in politics. He tried to stay out of it.  
 5 And for the record, Russ and I are friends. Me  
 6 and Katrina are friends. I've known both of these people  
 7 for a very, very long time.  
 8 **Q I expect them to confirm that.**  
 9 A I'm sure they will.  
 10 **Q Um-hmm.**  
 11 A So this whole mess makes me sick that we're even doing  
 12 all of this.  
 13 **Q Yeah. Well, sorry. These are very substantial --**  
 14 A And, honestly, --  
 15 **Q -- issues that --**  
 16 A And, honestly -- and, honestly -- and honestly, I can't  
 17 handle -- you don't even want to know, but --  
 18 **Q There's no question pending. I don't need to hear your**  
 19 **opinion about the lawsuit.**  
 20 A You don't want to know my opinion about you either.  
 21 **Q I don't care what your opinion is.**  
 22 A I'm sorry. But what was the question?  
 23 **Q So the Resolution 2023-82 specified that after that date**  
 24 **only certain flags would be allowed to be displayed on**  
 25 **the flag poles of Joseph Campau Avenue; correct?**

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1 A I don't know specifically. I'm not privy to them.  
 2 **Q Yeah, right, you weren't privy to them.**  
 3 **So you're saying at some point in your**  
 4 **interactions with Mr. Gordon, Mr. Gordon told you he had**  
 5 **prior communications with other people about displaying**  
 6 **the flags?**  
 7 A Yeah.  
 8 **Q All right. Did he, at any point, tell you that based on**  
 9 **those communications he decided to display or not display**  
 10 **a flag?**  
 11 A Yeah. Actually, now that I think about it --  
 12 **Q Okay.**  
 13 A Because Russ had actually -- now that I think about it,  
 14 Russ had actually told me in the past that he had chose  
 15 not to get involved in various flags over the years  
 16 because he didn't want to get involved in politics and  
 17 things.  
 18 **Q What flags?**  
 19 A I don't know. I remember him, now that I think about it,  
 20 he said that he didn't want to display certain flags  
 21 before because he didn't want to get embroiled in  
 22 politics.  
 23 **Q Did he tell you -- other than the Serbian flag, did he**  
 24 **tell you about any other flag?**  
 25 A I don't remember specifically.

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1 A I'm sorry, Counselor. I frazzled myself for a second.  
 2 Can you please repeat it?  
 3 **Q Plaintiff's Exhibit Number 6, the resolution that was**  
 4 **passed, 2023-82, specified that after the date of its**  
 5 **passage only certain flags would be allowed to be**  
 6 **displayed on the flag poles of Joseph Campau Avenue;**  
 7 **correct?**  
 8 A That is -- yeah. This resolution only allows certain  
 9 flags displayed after a certain date.  
 10 **Q It doesn't state what was allowed prior to that date;**  
 11 **does it?**  
 12 A Correct.  
 13 **Q Therefore, what do you mean in paragraph 4 when you**  
 14 **say -- if this resolution only reflected what would be**  
 15 **allowed after the date of its passage, and doesn't state**  
 16 **what was allowed before it, how do you state in**  
 17 **paragraph 4:**  
 18 **"In June of 2023, in keeping**  
 19 **with the City of Hamtramck's history**  
 20 **of monitoring an occasional intervention**  
 21 **of flag poles, the City of Hamtramck**  
 22 **Mayor and City Council passed a**  
 23 **resolution more carefully defining**  
 24 **what flags were permissible."**  
 25 MR. MEROUEH: Asked and answered.

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1 MR. SUSSELMAN: No, it hasn't.  
 2 MR. MEROUEH: Object.  
 3 BY MR. SUSSELMAN:  
 4 **Q When you have no knowledge of what the prior monitoring**  
 5 **was. And this resolution says nothing about the prior --**  
 6 MR. MEROUEH: Again, you're mischaracterizing  
 7 when he said. He didn't say that he has no knowledge.  
 8 Based on his interpretation --  
 9 MR. SUSSELMAN: Stop coaching the witness.  
 10 Object. Form. Foundation. That's your  
 11 objection. Just make the objection.  
 12 MR. MEROUEH: I have objected, and I'm going  
 13 to --  
 14 MR. SUSSELMAN: Go ahead. Then keep objecting.  
 15 MR. MEROUEH: He's already answered.  
 16 MR. SUSSELMAN: Form and foundation.  
 17 MR. MEROUEH: He's already answered.  
 18 MR. SUSSELMAN: Okay.  
 19 MR. MEROUEH: You ask the same question over  
 20 and over again here.  
 21 BY MR. SUSSELMAN:  
 22 **Q Mr. Garbarino, you acknowledge that this resolution says**  
 23 **nothing about the prior history of the policy as to what**  
 24 **flags would be allowed to display on the flag poles of**  
 25 **Joseph Campau Avenue.**

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1 **So how do you state in paragraph 4 that this**  
 2 **resolution is in keeping with the past monitoring? What**  
 3 **changes it?**  
 4 A All right. If you want me to answer a question, be very  
 5 specific, please.  
 6 **Q I am.**  
 7 MR. SUSSELMAN: Could you read the question  
 8 back?  
 9 (Record repeated.)  
 10 A So, again, I feel that --  
 11 BY MR. SUSSELMAN:  
 12 **Q I'm not asking what you're feeling. I'm asking you what**  
 13 **you know from personal knowledge, sir.**  
 14 A Well, I guess it's my personal knowledge.  
 15 I know that Mr. Gordon had interaction with the  
 16 former administration and the former Mayor in regards to  
 17 flags and things. And I do, to some degree, know what he  
 18 did and didn't do with flags and some of his views on  
 19 rejections of flags, to some degree. No, not specific  
 20 incidents. Or I can't tell you specific flags.  
 21 And I do know there was not a hundred percent  
 22 complete autonomy.  
 23 So, yeah, this would be a reaffirming of that  
 24 in a more careful -- and I stand by my affidavit, and I a  
 25 hundred percent agree with that.

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1 **Q So is it your testimony that Mr. Gordon, at some point,**  
 2 **told you that the discussions with -- in prior occasions**  
 3 **before June of 2023, that he had discussions with the**  
 4 **Mayor and prior city manager, perhaps, about displaying**  
 5 **certain flags other than the Serbian flag, and based on**  
 6 **those discussions Mr. Gordon decided not to raise a flag**  
 7 **that he'd been requested to raise or display?**  
 8 MR. MEROUEH: Objection.  
 9 A I mean, Russ did tell me that over the years he's been  
 10 approached about other flags that --  
 11 MR. SUSSELMAN: Let the record reflect  
 12 Mr. Garbarino is directing -- is looking at Mr. Gordon  
 13 directly with that statement and Mr. Gordon is shaking  
 14 his head no.  
 15 MR. MEROUEH: Objection. Objection. You're  
 16 testifying for Mr. Gordon now. Can't do that.  
 17 MR. SUSSELMAN: I'm interpreting his actions.  
 18 MR. MEROUEH: No. No. You can't do that.  
 19 MR. SUSSELMAN: We'll do it at his deposition,  
 20 which will be coming up.  
 21 MR. MEROUEH: That'll be fine. Go ahead. Can  
 22 we move on now?  
 23 BY MR. SUSSELMAN:  
 24 A Well, let me ask you, sir. You addressed that statement  
 25 to Mr. Gordon directly as he's sitting here; correct?

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1 A Yeah.  
 2 **Q Did you observe Mr. Gordon shake his head no?**  
 3 MR. MEROUEH: This is not Mr. Gordon's  
 4 deposition.  
 5 MR. SUSSELMAN: I'm asking him what he observed  
 6 at this deposition.  
 7 BY MR. SUSSELMAN:  
 8 **Q Did you observe Mr. Gordon shake his head no?**  
 9 A I did observe that. But Russ did tell me he stayed out  
 10 of the politics --  
 11 **Q Yeah.**  
 12 A -- and was asked --  
 13 MR. MEROUEH: Excuse me. Let the record  
 14 reflect Mr. Gordon just shook his head "yes" in response  
 15 to what Maxwell said.  
 16 A Stayed out of the politics --  
 17 MR. MEROUEH: Is that correct?  
 18 A Stayed out of the politics and away from flags that were  
 19 controversial.  
 20 MR. MEROUEH: So let the record reflect  
 21 Mr. Gordon did shake his head "yes" to this since he's  
 22 also testifying. Right, Mr. Susselman?  
 23 This is his deposition today too?  
 24 MR. SUSSELMAN: No. This is Mr. Garbarino's  
 25 deposition. I can ask him what he's observing in his

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1 deposition.

2 MR. MEROUEH: All right. I'm going to ask if  
3 he observed Russ shaking his head yes, then.

4 MR. GORDON: I kept politics out of the flags  
5 over all those years until the pride flag came up.  
6 That's it. That's why I'm shaking my head.

7 MR. MEROUEH: Again, Mister --

8 MR. GORDON: No. Politics is out.

9 MR. MEROUEH: That's -- that's fine. That  
10 actually helps us. But, again --

11 MR. GORDON: I never talked to -- nobody ever  
12 gave me permission or told me not to put a flag up.

13 A That's exactly -- that's a hundred percent what I just  
14 said. I didn't put words in anyone's mouth.

15 BY MR. SUSSELMAN:

16 Q Prior to June 23rd, 2023, can you tell us how the City  
17 Council or the Mayor intervened to preclude the display  
18 of any flag prior to June '23?

19 A I'm sorry, sir. Repeat.

20 Q Prior to June 23rd of 2023, do you have any personal  
21 knowledge that the City Council or the Mayor intervened  
22 to preclude the raising of --

23 A Not specifically.

24 Q Okay.

25

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1 Amendment?

2 A I have not. I do not practice law.

3 Q Have you been qualified as an expert in the law in any  
4 lawsuit?

5 A Nope.

6 Q Have you ever been qualified as an expert in the  
7 jurisprudence of the First Amendment in any case?

8 A Have not.

9 Q Would you -- so your knowledge --

10 Did you take Constitutional law? Just one term  
11 of Constitutional law?

12 A I believe I did. It's been a long time.

13 Q Been a long time, apparently.

14 So, have you ever taught a course on  
15 Constitutional law?

16 A Have not.

17 Q Okay. So in the last paragraph of your affidavit you  
18 state:

19 "While the Plaintiffs argue  
20 that their removal was based on  
21 First Amendment grounds, the fact  
22 is that there were other individuals  
23 at city hall whom --

24 I think you met who.

25 -- "were unhappy with the passing

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1 (Exhibit 7 was marked for identification.)

2 BY MR. SUSSELMAN:

3 Q Mr. Garbarino, you've been handed what has been marked as  
4 Plaintiffs' Exhibit Number 7. Do you recognize it?

5 A I do.

6 Q All right. What is it?

7 A Resolution 2023, but it doesn't have the number on it,  
8 but it's the one removing Russ and Cathy from the Human  
9 Relations Commission, yes.

10 Q Is that the resolution that you refer to in paragraphs --  
11 in paragraph 6 of your affidavit?

12 A Yes.

13 Q Actually, you don't use the term "resolution." You refer  
14 to the action of them being removed, but was pursuant to  
15 this resolution; correct?

16 A That is correct.

17 Q Now, you have a law degree, as you've testified; correct?

18 A That is correct.

19 Q I assume as part of that law degree, you took a course of  
20 Constitutional law?

21 A That is correct.

22 Q Have you written any articles or treatises about the  
23 First Amendment?

24 A Not any time recently.

25 Q Have you litigated any cases related to the First

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1 of the resolution and proudly  
2 displayed their unhappiness through  
3 various means of expression, and no  
4 repercussions or retaliatory actions  
5 were taken against them at any time  
6 by any person in the city government."

7 Well, first, regarding that, those are the  
8 people who expressed their discontent. Were they  
9 officers employed by the City of Hamtramck?

10 A There are multiple employees in city hall that display  
11 pride flags.

12 Q No, that's not what I mean.

13 You said "were unhappy with the passing of the  
14 resolution," so I assume you mean they expressed their  
15 displeasure?

16 A I mean, yeah. There's a lot of employees that display  
17 displeasure with it.

18 Q Okay. And you're saying that they -- was their  
19 displeasure -- did they express a displeasure in the  
20 presence of City Council members or the Mayor? Do you  
21 know personally?

22 A I don't know, honestly.

23 Q You don't know. So the fact that there was --

24 A I can't say specifically.

25 Q So you don't know if the failure to retaliate against

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- 1        **them was due -- was due to the Mayor or the City Council**  
2        **members not knowing of their expression of displeasure;**  
3        **correct?**  
4        A    I can't speak first-hand knowledge of --  
5        **Q    That's what I want. I don't want any --**  
6        A    -- any in front of Council.  
7        **Q    Yeah.**  
8        A    But in front of me, there was certainly a lot of  
9        displeasure from employees --  
10       **Q    Employees?**  
11       A    -- in regards to it.  
12       **Q    You were not --**  
13       A    I would be very, very surprised if the lady that you just  
14       deposed prior to me did not display her displeasure to  
15       Council. She's very vocal. Very supportive of pride.  
16       And I know as a fact, displays pride flags around the  
17       Clerk's office, and, frankly, waves them in front of  
18       their nose pretty frequently. And, actually, has one in  
19       the Clerk's office. So I'd be very surprised if she  
20       didn't wave it in front of their noses, actually.  
21       **Q    Have you read the Complaint in this lawsuit?**  
22       A    Breezed it. Did not have time to do all of it, candidly.  
23       It's pretty thick.  
24       **Q    So there's a First Amendment claim in that lawsuit. In**  
25       **that Complaint. Are you aware of that?**

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- 1       **Q    What basis? You're a lawyer. What's the basis?**  
2       MR. MEROUEH: Objection.  
3       A    Because I don't believe they're valid. I'm not going to  
4       go into my rationale --  
5       BY MR. SUSSELMAN:  
6       **Q    Sir, you took Constitutional law. There's a --**  
7       A    I am not going to go into explaining why.  
8       **Q    I'm asking you. You mean you have no explanation as to**  
9       **why you think they're not valid?**  
10       A    No. I'm not going to offer it.  
11       **Q    So you're refusing to answer? As a lawyer, you're**  
12       **refusing to answer?**  
13       A    I am not going to continue this.  
14       **Q    You're not going to continue. All right. You decline to**  
15       **answer.**  
16       Were you present on June 23rd, 2023, when the  
17       resolution that was passed on that date was discussed by  
18       the Councilmen[sic]?  
19       A    Was that the Council meeting?  
20       **Q    The Council meeting, yes.**  
21       A    Yes.  
22       **Q    Prior to that date, were you present when any of the**  
23       **Councilmen among themselves discussed the proposed**  
24       **resolution before it was raised at the Council meeting?**  
25       A    In private?

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- 1       A    Yes.  
2       **Q    Did you read it? Just scan it? What did you do?**  
3       A    Skimmed it.  
4       **Q    "Skimmed it."**  
5       And you concluded, based on your one class in  
6       Constitutional law, that the claim that Mr. Gordon and  
7       Miss Stackpole[sic] --  
8       A    Stackpole.  
9       **Q    -- Stackpole were terminated from their positions on**  
10       **the -- as commissioners on the Human Relations**  
11       **Commission, that their determination violated their First**  
12       **Amendment rights?**  
13       Is it your opinion that that's an invalid  
14       claim?  
15       A    I do not believe that this lawsuit is truthful.  
16       **Q    I didn't ask you that. I asked you --**  
17       A    I do not believe these claims are valid.  
18       **Q    You mean, you believe --**  
19       You never practiced law; correct? You've never  
20       represented anybody in a lawsuit; correct?  
21       A    I do not believe that these claims were valid.  
22       **Q    Why not?**  
23       A    I'm not elaborating.  
24       **Q    You have to. I'm asking you. Why not?**  
25       A    Because I do not believe they're valid.

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- 1       **Q    Yeah.**  
2       A    I don't -- not -- I mean, I --  
3       **Q    Anywhere. Private. I don't care. Were you present?**  
4       A    I mean, I had conversations with them individually  
5       because, clearly, they would have had to have asked me  
6       and the city attorney to put this together for them.  
7       **Q    In the absence of the city attorney --**  
8       A    Huh?  
9       **Q    In the absence of the city attorney --**  
10       A    Not as --  
11       **Q    You're an attorney, but you were not representing the**  
12       **City of Hamtramck and you're not representing them today;**  
13       **correct?**  
14       A    Correct.  
15       **Q    So, in the absence of Mister --**  
16       MR. SUSSELMAN: I'm sorry. I keep forgetting  
17       your name. Meroueh?  
18       BY MR. SUSSELMAN:  
19       **Q    Were you present when members of City Council, prior to**  
20       **June 23 of 2023, discussed that resolution before it was**  
21       **discussed at the Council meeting?**  
22       A    I would have had conversations with various Council  
23       members --  
24       **Q    Who?**  
25       A    -- in regards to it.

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1 **Q Who?**  
2 A I can't say specifically. And I don't remember specific  
3 dates, times, incidents, or who.  
4 **Q So at that Council meeting, correct me if I'm wrong, the**  
5 **following Council people -- members were present:**  
6 **Councilman Osa; am I correct?**  
7 A Who?  
8 **Q Was there a Councilman Osa?**  
9 A No.  
10 **Q Okay. How about Councilman Charles Choudhury?**  
11 A There's a Choudhury.  
12 **Q Was he present?**  
13 A Yeah. I think they were all there.  
14 **Q Councilman Ab?**  
15 A No.  
16 **Q Was there no Councilman Ab?**  
17 **Councilman Hai, H-a-i?**  
18 A No. I don't know what you're looking at.  
19 **Q Well, what I'm looking at --**  
20 MR. MEROUEH: What you're looking at is --  
21 MR. SUSSELMAN: The transept.  
22 MR. MEROUEH: -- the transcript that he  
23 generated by AI, which I objected to --  
24 MR. SUSSELMAN: What's your objection?  
25 MR. MEROUEH: -- because it's clearly

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1 incorrect. You named three nonexistent Councilmen as  
2 part of your transcript that you're trying to provide as  
3 legal.  
4 Come on. I mean, I'm just going to point to  
5 this deposition in response to your objections.  
6 MR. SUSSELMAN: Very good.  
7 BY MR. SUSSELMAN:  
8 **Q Could you name the Council members who were present at**  
9 **that meeting?**  
10 A I don't know. I mean, I would have to look and see who's  
11 on the roster.  
12 **Q Well, today --**  
13 A I presume that they were all there. But, I mean, some  
14 are not present from time to time, so I don't want to  
15 name them --  
16 **Q Well, I'll represent that they were all there. Okay?**  
17 **Whoever they were, they were all there.**  
18 **At that time, was Muhith Mahood a Councilman?**  
19 A He is currently on Council.  
20 **Q Was he a Council member at that time?**  
21 A So we've had a number of Councilmen come and go over this  
22 past couple years. I believe he was at the time. He's  
23 currently on Council now.  
24 I would truly like to verify by looking at the  
25 resolution to see who exactly was because, like I said,

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1 we had a couple come and go.  
2 **Q I don't think the resolution states, which is the copy**  
3 **that --**  
4 A Is it -- are we --  
5 So, was it the resolution to remove Russ and  
6 Cathy?  
7 **Q No. The resolution passing the resolution redefining**  
8 **what flags could be raised.**  
9 A Okay. So they should be at the bottom of it.  
10 **Q It's resolution[sic] 6. It's Plaintiffs Exhibit 6.**  
11 A Damn, I forgot the bottom of it.  
12 All right. I don't know.  
13 **Q You don't recall if Mr. Hamood was present at that time?**  
14 A He likely was, but I don't want to --  
15 **Q Okay.**  
16 A -- testify --  
17 **Q That's all right.**  
18 A -- that one was there and then --  
19 **Q I understand.**  
20 A Yeah.  
21 **Q How about Abu Musa, he's currently --**  
22 A He's currently on.  
23 **Q Was he then?**  
24 A Again, Counselor, I don't want to say one was there and  
25 then they were absent.

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1 **Q Was he -- not saying whether he was absent at that**  
2 **Council meeting. Was he a member of the Council on**  
3 **June 23rd of 2023?**  
4 A I believe he was.  
5 **Q Okay.**  
6 A But, Counselor, we're going to do this for all of them --  
7 **Q Yeah.**  
8 A -- because I don't know.  
9 **Q Well, you know, that's what the deposition is for.**  
10 **What about Khalil Refai, R-e-f-a-i?**  
11 A He definitely was.  
12 **Q He was definitely there. Mohammed Alsomiri?**  
13 A He was.  
14 **Q Muhtasin Sadman?**  
15 A I do not believe he was because he just got elected.  
16 **Q Do you know who he replaced?**  
17 A He replaced Choudhury.  
18 **Q Replaced Choudhury. Okay.**  
19 **Do you know -- if you don't -- do you know**  
20 **what -- if Mr. Choudhury's -- is he still living in**  
21 **Hamtramck?**  
22 A Yes.  
23 **Q Does he have any role in the city government?**  
24 A No.  
25 **Q What about Mohammed Hassan, was he a member?**

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- 1 A He was, yep.
- 2 **Q So you testified that you recalled you had conversations**  
 3 **with some Council members prior to the passage of the**  
 4 **resolution in the absence of the city's attorney.**
- 5 So, do you recall, did you have -- do you  
 6 recall having any conversations with Muhith Mahood?
- 7 A I do not recall any specifics.
- 8 **Q You don't recall. So if I go through each of these, you**  
 9 **would not recall if you had any conversations with any of**  
 10 **the City Council?**
- 11 A Not specifically.
- 12 **Q Do you recall the nature or contents of those**  
 13 **conversations?**
- 14 A Not specifically.
- 15 **Q Do you recall whether they expressed, prior to the**  
 16 **Council meeting, their support or opposition to the**  
 17 **resolution?**
- 18 A I can tell you that Councilman Hassan had opposition to  
 19 the flag being raised.
- 20 **Q Do you know why he said he was opposed to it?**
- 21 A I cannot tell you his rationale.
- 22 **Q Meaning he didn't express it or you don't recall?**
- 23 A I don't recall.
- 24 **Q Do you believe he -- you don't recall specifically what**  
 25 **it was based on, but do you recall --**

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- 1 A Actually, I can say he expressed he wanted to remain  
 2 neutral. Beyond that, I couldn't -- I couldn't say. But  
 3 I can't tell you specific dates or times I had that  
 4 conversation.
- 5 **Q Okay. Do you recall any other Councilman without the --**  
 6 A The Mayor, certainly --
- 7 **Q The Mayor?**
- 8 A -- wanted to remain neutral.
- 9 **Q He wanted to remain neutral. Anybody else?**
- 10 A Not specifically. Those are probably the main two as far  
 11 as -- that come to mind. But as far as dates and times,  
 12 I couldn't pinpoint it. The rest I'm just sort of --
- 13 **Q Do you know if you ever exchanged e-mails or**  
 14 **correspondence via letters or notes with any of the**  
 15 **Council members about the resolution prior to June 23 of**  
 16 **2023?**
- 17 A Not that I can recall. I mean, I'm sure there's e-mails  
 18 with our attorney, but not, like, that would come to  
 19 mind.
- 20 **Q So all you can --**
- 21 A I mean, I -- to be completely candid with you  
 22 Counselor --
- 23 **Q Yeah.**
- 24 A -- there is so much coming at me on any given day in this  
 25 town, it's like -- it's like a deluge of things. When I

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- 1 said this afternoon, I can't remember what I had for  
 2 lunch yesterday, I was serious.
- 3 I mean, it's like, literally, the shit flows at  
 4 me constantly. And like, literally, it's what fire am I  
 5 putting out on a daily basis here.
- 6 So this is just one of them. So I, literally,  
 7 don't know.
- 8 **Q Well, would it have been your practice -- with regard to**  
 9 **the other issues, do you exchange e-mails with members of**  
 10 **City Council?**
- 11 A We do, but it's hit or miss, you know. Something like  
 12 this, probably not. They -- they come in city hall a  
 13 lot. You know, I mean, I see them on a pretty regular  
 14 basis. They're just popping in my office.
- 15 So, I mean, this morning I was a few minutes  
 16 late here because Councilman Samir(ph) was in my office.  
 17 So they literally just show up constantly. So it's not  
 18 out of the realm of possibilities that, you know, they  
 19 literally were just driving me nuts in my office on this.
- 20 **Q Do you ever -- do you recall any discussions by any**  
 21 **member of the City Council in the absence and not in the**  
 22 **presence of Counsel regarding homosexuality?**
- 23 A No, not specifically.
- 24 **Q Any discussion regarding the pride flag prior to June 23**  
 25 **of 2023 in the absence of Council?**

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- 1 A No.
- 2 MR. SUSSELMAN: I have no further questions.
- 3 MR. MEROUEH: All right. Max, I don't have too  
 4 much for you. I have a couple of questions here.
- 5 ---
- 6 EXAMINATION
- 7 BY MR. MEROUEH:
- 8 **Q Let's start with this. So if Mr. Gordon wanted to, or he**  
 9 **flew the -- flew the Nazi flag as part of his role on the**  
 10 **Human Rights[sic] Commission, would that have been**  
 11 **permissible?**
- 12 A No.
- 13 **Q So who would have stepped in to stop that?**
- 14 MR. SUSSELMAN: Wait. Wait.
- 15 MR. MEROUEH: I'm asking as the city manager  
 16 currently --
- 17 MR. SUSSELMAN: Currently?
- 18 BY MR. MEROUEH:
- 19 **Q Well, at the time prior to June 2023 when you were the**  
 20 **city manager, what would have happened?**
- 21 A Jesus. What would have happened?
- 22 **Q Yeah.**
- 23 A Probably, would have had to take it down.
- 24 **Q Right.**
- 25 A I mean, I would have probably had to send -- I probably

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1 would have to send DPW to take it down.  
 2 **Q And what would have been the next step after it was taken**  
 3 **down? What to you think would have happened?**  
 4 A What do you mean?  
 5 MR. SUSSELMAN: Speculation.  
 6 MR. MEROUEH: He's the city manager. And as  
 7 the city manager what would he had done.  
 8 MR. SUSSELMAN: Speculation. None of this  
 9 happened.  
 10 MR. MEROUEH: That's fine.  
 11 BY MR. MEROUEH:  
 12 **Q What would you have done?**  
 13 A What would I have done?  
 14 **Q Let's say it was the ISIS flag.**  
 15 A Well, again, I would have removed it.  
 16 **Q Where would you have derived the authority -- where do**  
 17 **you think you would have derived the authority for that?**  
 18 A I mean, we have control over the flag poles. I mean,  
 19 it's a city flag pole. So I mean, just like anything  
 20 else in the city, at the end of the day we -- you know,  
 21 if a car hits the thing, we got to go pick it up, we got  
 22 to clean it. If it gets ran over, we fix it.  
 23 Candidly, I know Russ did repair all those.  
 24 They did do that. But I do --  
 25 **Q Who did that? Sorry.**

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1 Russ flies the Nazi flag; right? You said  
 2 you'd get it removed. Then what would you do?  
 3 A Remove it.  
 4 **Q And then would you seek any further action?**  
 5 A Well, I wouldn't have the authority to remove that.  
 6 Russ --  
 7 **Q So who would you seek that authority from?**  
 8 A Mayor and Council certainly, I would think, would take  
 9 action in that case.  
 10 **Q Because according to the Charter, they have the**  
 11 **authority?**  
 12 MR. SUSSELMAN: Objection.  
 13 MR. MEROUEH: I'm leading.  
 14 MR. SUSSELMAN: Yeah. You're not allowed to  
 15 lead him.  
 16 Objection. Leading.  
 17 MR. MEROUEH: That's fine.  
 18 BY MR. MEROUEH:  
 19 **Q So according to what you just said, you'd seek Mayor and**  
 20 **Council authority; correct?**  
 21 A That would be correct.  
 22 **Q Where does the Mayor and Council derive their authority?**  
 23 A Charter.  
 24 **Q The Hamtramck Charter?**  
 25 A Charter or ordinance.

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1 A Human Relations did, actually, repair the flag poles. To  
 2 Russ's credit, I will say he did repair all those.  
 3 **Q And the Human Relations Commission is appointed by whom?**  
 4 A Mayor and Council.  
 5 **Q So the Mayor and Council appoint the Human Relations**  
 6 **Commission. Do they have the full authority to remove or**  
 7 **replace them as they want?**  
 8 MR. SUSSELMAN: What timeframe are you talking  
 9 about?  
 10 MR. MEROUEH: I'm talking about as part of the  
 11 Charter.  
 12 A Well, Mayor and Council appointments the Human Relations  
 13 Commission. And historically speaking here, and over the  
 14 past, like -- this project, when Russ took it on, Russ  
 15 did raise the money and replaced all the flag poles.  
 16 Since Russ has stepped down, we are now fixing  
 17 the flag poles. We had one ran over recently. So we're  
 18 replacing them. But just like anything else, we would  
 19 fix it.  
 20 But I mean, you know, if any other flag pole in  
 21 the city got ran over, I would fix it. I don't know that  
 22 my predecessor would have done it, but I handle things a  
 23 little differently, too, so --  
 24 BY MR. MEROUEH:  
 25 **Q But let's go back to it. The Nazi flag is --**

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1 **Q And the Charter and ordinance. And so with that**  
 2 **authority, they would do what?**  
 3 A They would probably remove them, if that was --  
 4 MR. SUSSELMAN: Speculation.  
 5 MR. MEROUEH: That's fine.  
 6 BY MR. MEROUEH:  
 7 **Q And what would they do regarding the flags?**  
 8 A Remove them.  
 9 **Q Okay. So you're saying that the city has the authority**  
 10 **to, and has had the authority to step in and remove flags**  
 11 **if the city didn't agree with the flag; correct?**  
 12 A That is correct.  
 13 **Q Would you deem that --**  
 14 **So following that, would you characterize the**  
 15 **raisings of the flags as government speech or individual**  
 16 **speech?**  
 17 MR. SUSSELMAN: Objection. Calls for a legal  
 18 conclusion. And he's not qualified.  
 19 MR. MEROUEH: You just tried to qualify him,  
 20 sir. I'm just -- I'm sorry. We just went through your  
 21 qualification -- whole qualification process.  
 22 I'm sorry. But you just went through it. You  
 23 can go through it with the judge.  
 24 MR. SUSSELMAN: We will.  
 25

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1 BY MR. MEROUEH:  
 2 **Q So, answer the question.**  
 3 MR. SUSSELMAN: Objection. He's not been  
 4 qualified as an expert. And he's only one course as a  
 5 lawyer.  
 6 MR. MEROUEH: That's fine. He's a lawyer, as  
 7 you just qualified him.  
 8 MR. SUSSELMAN: As a lawyer, but not as an  
 9 expert.  
 10 BY MR. MEROUEH:  
 11 **Q So would you characterize this as both the city manager.**  
 12 **Forget about as a lawyer. As the city manager, what**  
 13 **would you characterize the flags as, individual speech as**  
 14 **a citizen speaking, or as the government speaking?**  
 15 MR. SUSSELMAN: Objection. Calls for a legal  
 16 conclusion.  
 17 He's not been qualified as an expert. In fact,  
 18 he can't give a legal conclusion. He's --  
 19 MR. MEROUEH: I asked him as a city manager.  
 20 MR. SUSSELMAN: He's barred from doing that.  
 21 MR. MEROUEH: No. I'm asking him --  
 22 MR. SUSSELMAN: No. He cannot give a legal  
 23 conclusion.  
 24 MR. MEROUEH: He's not giving a legal  
 25 conclusion.

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1 defunct for a long time, and Russ came in and, basically,  
 2 brought them back to life.  
 3 BY MR. MEROUEH:  
 4 **Q As in what role? How did he -- was that as a citizen?**  
 5 A Under the Human Relations Commission.  
 6 **Q Which you're saying is not as a citizen?**  
 7 A It was the Human Relations Commission.  
 8 **Q So there was a big hullabaloo about paragraph 4 of the**  
 9 **affidavit where you say, "in keeping with the City of**  
 10 **Hamtramck's history of monitoring and occasional**  
 11 **intervention."**  
 12 So regarding the history of Hamtramck, why are  
 13 you, specifically, in such a good position to understand  
 14 the history of the City of Hamtramck and the government?  
 15 A Been here a long time.  
 16 **Q And you've been here --**  
 17 A Know all the characters. Know all the players. Have a  
 18 pretty good interpretation what goes on.  
 19 I'm bad with dates. I don't have specifics,  
 20 but I have a pretty good interpretation of everybody and  
 21 kind of the ins and outs.  
 22 **Q Okay. And then -- so let's go back to the pride flags**  
 23 **that were --**  
 24 So the retaliation issue. Again, in your  
 25 affidavit you claim that, "although multiple employees of

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1 MR. SUSSELMAN: No, he can't. Objection.  
 2 MR. MEROUEH: That's fine. Let's move on.  
 3 BY MR. MEROUEH:  
 4 **Q So, the flags, would you consider --**  
 5 **Who owns the flag poles?**  
 6 A The City of Hamtramck.  
 7 **Q And prior -- do you know, in your knowledge, prior to**  
 8 **Russ and the Human Relations Commission raising flags,**  
 9 **how were the flags raised before that?**  
 10 A They were pretty --  
 11 MR. SUSSELMAN: Prior to 2013?  
 12 BY MR. MEROUEH:  
 13 **Q Prior to 2013.**  
 14 MR. SUSSELMAN: Prior to that?  
 15 MR. MEROUEH: Yeah.  
 16 A They were defunct.  
 17 BY MR. MEROUEH:  
 18 **Q But there were five poles; correct?**  
 19 A There were.  
 20 **Q And the flag poles were owned by the city?**  
 21 A Yeah.  
 22 **Q And the city chose to create the Human Relations**  
 23 **Commission --**  
 24 MR. SUSSELMAN: Objection. Leading.  
 25 A There, historically, were flags there, but they were

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1 **the city and the city hall are happy of the passing of**  
 2 **the resolution --**  
 3 MR. SUSSELMAN: Where are you reading? What  
 4 paragraph?  
 5 MR. MEROUEH: Paragraph 7.  
 6 BY MR. MEROUEH:  
 7 **Q "... there were other**  
 8 **individuals in City Hall who**  
 9 **were unhappy with the passing of**  
 10 **the resolution and proudly**  
 11 **displayed their unhappiness through**  
 12 **various means of expression, and no**  
 13 **repercussions or retaliatory actions**  
 14 **were taken against them at any time**  
 15 **by any person in the city government."**  
 16 So just repeating that. So, but the question  
 17 is how many employees are hanging a pride flag in their  
 18 office visible to anybody walking by would you say in  
 19 city hall?  
 20 A Visible, like, to the exterior? Probably -- I don't know  
 21 if anyone can actually see them.  
 22 BY MR. MEROUEH:  
 23 **Q Well, not to the exterior of the building, people walking**  
 24 **on the outside. People walking on the inside.**  
 25 MR. SUSSELMAN: Speculation.

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1 MR. MEROUEH: He's not speculating. He's --  
 2 MR. SUSSELMAN: He's speculating.  
 3 A There's a bunch in city hall.  
 4 BY MR. MEROUEH:  
 5 **Q Right. Right.**  
 6 **Who's hanging a pride flag specifically?**  
 7 A There's at least three that I know of.  
 8 **Q Such us?**  
 9 A Clerk's office. CED's got one. Assessor's got one.  
 10 **Q And has any retaliatory action been taken -- no. Excuse**  
 11 **me. Let's go back.**  
 12 **Do City Councilmen frequently go to the Clerk's**  
 13 **office, the Assessor's office, or the CED office?**  
 14 MR. SUSSELMAN: Speculation.  
 15 A They do.  
 16 BY MR. MEROUEH:  
 17 **Q Have you seen them yourself?**  
 18 A (Witness nods head yes.)  
 19 **Q "Yes?" You're nodding your head.**  
 20 A They do.  
 21 **Q So you've seen the Mayor and Council -- excuse me. I**  
 22 **didn't include the Mayor in the last one. Does the Mayor**  
 23 **also go to those offices?**  
 24 A I haven't seen the Mayor in there, but at least some  
 25 Council. In fact, our City Clerk, to her credit,

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1 A No.  
 2 **Q Have they been disciplined as a result?**  
 3 A No.  
 4 **Q Have they suffered any negative consequences as a result?**  
 5 A Course not.  
 6 **Q So in their individual capacity, they're flying these**  
 7 **flags and they're speech. But if they were flying them**  
 8 **as a representation of the city, in a city, you know,**  
 9 **trying to magnify it as a -- no.**  
 10 **So are these clearly identified -- can you**  
 11 **clearly identify these flags as being flown by these**  
 12 **individuals as their individual speech?**  
 13 MR. SUSSELMAN: What do you mean by "flown?"  
 14 BY MR. MEROUEH:  
 15 **Q Or hung. Excuse me.**  
 16 A I'm sorry. Could you say --  
 17 **Q Is it the government flying these flags or is it them**  
 18 **individually?**  
 19 A No. It's their work space. They're flying them.  
 20 **Q And so -- okay.**  
 21 MR. MEROUEH: That's it.  
 22 ---  
 23 RE-EXAMINATION  
 24 BY MR. SUSSELMAN:  
 25 **Q You would agree, being a lawyer, that no --**

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1 actually messes with them. Like, to -- like, goofs with  
 2 them.  
 3 **Q How?**  
 4 A She just razzes them on it.  
 5 **Q About what, the pride flag?**  
 6 A Just in general. She likes to yank their chain.  
 7 **Q But she has yanked their chain about the pride flag?**  
 8 A Just in general.  
 9 **Q And she's hanging a pride flag in her office?**  
 10 A She has. Our former Clerks had one in there steadily,  
 11 too, so there's always been one in there, honestly.  
 12 In fact, there was a very large pride flag that  
 13 was displayed in the Assessor's pretty much through,  
 14 like, while this was happening, in the Assessor's. It  
 15 shifted to the wall now, but it's still in the  
 16 Assessor's. But, I mean, you know --  
 17 **Q So you're telling me that the Council have seen, you**  
 18 **know, based on your knowledge, that the Councilmen have**  
 19 **been in the office where these pride flags --**  
 20 MR. SUSSELMAN: Asked and answered.  
 21 MR. MEROUEH: Thank you.  
 22 BY MR. MEROUEH:  
 23 **Q -- where these pride flags are flying; correct?**  
 24 A They have, yeah.  
 25 **Q And have any of these employees been fired as a result?**

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1 A I'm not an attorney, sir. Just have a law degree.  
 2 **Q Yeah. You have a law degree. Did you take the Bar exam?**  
 3 A Did not, sir.  
 4 **Q You did not take the Bar exam. But based on the fact**  
 5 **that you attended law school and you took a class in**  
 6 **Constitutional law, you're aware that no government**  
 7 **entity, either at the state or federal level, can enact a**  
 8 **policy, or legislation, or resolution, or ordinance which**  
 9 **is in violation of the United States Constitution;**  
 10 **correct?**  
 11 A That's correct.  
 12 **Q So are you able to explain -- how much do you know --**  
 13 **Are you aware of the doctrine that's referred**  
 14 **to that government -- no government in the United States,**  
 15 **whether it's state or federal, can enact legislation, or**  
 16 **a policy, or an ordinance, or a resolution, which is not**  
 17 **content and viewpoint neutral? Does that statement mean**  
 18 **anything to you?**  
 19 A You're getting thick in --  
 20 **Q Yeah --**  
 21 A -- the law there.  
 22 **Q -- I am. You're claiming to know the law. That's one of**  
 23 **the principles of First Amendment law.**  
 24 A I don't think I was claiming anything. I think you're --  
 25 **Q Well, you did claim --**

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- 1 A I said I went to law school. I think you're pushing it  
2 on me.
- 3 **Q Yeah. No.**
- 4 A Do you have a question?
- 5 **Q Your Counsel pushed it on you. And we'll get to that.**
- 6 MR. MEROUEH: No. I was going by what you were  
7 saying.
- 8 BY MR. SUSSELMAN:
- 9 **Q So you were --**
- 10 MR. MEROUEH: And then I, actually, abandoned  
11 that question. So, actually, no, you're wrong.
- 12 A But do you have a question, Counsel?
- 13 BY MR. SUSSELMAN:
- 14 **Q I have a question.**
- 15 You were asked if Mr. Gordon had raised a Nazi  
16 flag, or an ISIS flag, that you, as a city manager, let's  
17 say pre the June 23, 2023 resolution, prior to that time,  
18 you would agree that law in Hamtramck that was in effect  
19 regarding Mr. Gordon's authority was the resolution that  
20 was marked as Plaintiff's Exhibit 5. The resolution  
21 which was passed in 2013. That was the law in Hamtramck  
22 that governed Mr. Gordon's authority prior to June 23rd,  
23 2023; correct?
- 24 A I'm sorry. Repeat that.
- 25 **Q Plaintiff's Exhibit 5 --**

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- 1 you could have lawfully removed that flag from the flag  
2 pole being displayed on Joseph Campau Avenue?
- 3 A Yes.
- 4 **Q And what do you base that on? What law do you base that**  
5 **on, sir?**
- 6 A Common decency. And I believe the city still would have  
7 control over that flag pole.
- 8 **Q And in conformity with the United States Constitution;**  
9 **correct? I mean, you cannot remove the Nazi flag --**
- 10 MR. MEROUEH: Objection. Asked and answered.
- 11 MR. SUSSELMAN: No, it wasn't.
- 12 BY MR. SUSSELMAN:
- 13 **Q You cannot legally remove the Nazi flag if doing so**  
14 **violated his -- the United States First Amendment right**  
15 **under the doctrine of contract and viewpoint neutrality;**  
16 **correct? Or don't you not know?**
- 17 A Well, I'm not going to sit here and argue Constitutional  
18 law. As you both have pointed out, I guess, I'm not an  
19 expert on it, but I would have.
- 20 **Q You would have removed it.**
- 21 A And we would have sorted it out later.
- 22 **Q You would have removed it and --**
- 23 A If someone would have raised the Nazi flag on the city --
- 24 **Q Yeah.**
- 25 A -- on the city flag pole --

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- 1 A Okay.
- 2 **Q -- which was the resolution passed in 2013, prior to**  
3 **June 23rd of 2023, this was the resolution that was in**  
4 **effect up to that point in time that governed**  
5 **Mr. Gordon's authority as a member of the Human Relations**  
6 **Commission --**
- 7 A Okay.
- 8 **Q -- correct?**
- 9 A Yes.
- 10 **Q Okay. And you became acting city commissioner[sic] prior**  
11 **to the passage of the resolution on June 23rd, 2023;**  
12 **correct?**
- 13 A No. I became acting city manager.
- 14 **Q Acting city manager?**
- 15 A Correct.
- 16 **Q Okay. So up to that time, prior to June 23rd, 2023, it**  
17 **was Plaintiff's Exhibit 5 that governed Mr. Gordon's**  
18 **authority as to what flags would be displayed by the**  
19 **Human Relations Commission; correct?**
- 20 A Okay.
- 21 **Q Okay. Now, you were asked, and I assume the time context**  
22 **was prior to June 23rd, 2023, because clearly that**  
23 **resolution says the pride flag would no longer be**  
24 **displayed. But prior to that date, had Mr. Gordon raised**  
25 **the Nazi flag, is it your statement that as city manager**

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- 1 **Q Yeah.**
- 2 A -- yeah, I would have removed it.
- 3 **Q You're allowed to?**
- 4 A Yeah, I would have.
- 5 **Q But you don't know if you legally have the right to do**  
6 **that?**
- 7 A No, I don't.
- 8 **Q Point of fact. Mr. Gordon never attempted to raise the**  
9 **Nazi flag; did he?**
- 10 A That is correct.
- 11 **Q Nor did he ever attempt to raise an ISIS flag; did he?**
- 12 A No.
- 13 MR. SUSSELMAN: I have no further questions.
- 14 ---
- 15 RE-EXAMINATION
- 16 BY MR. MEROUEH:
- 17 **Q So let's say you were told that you couldn't remove the**  
18 **flag just yet, the Nazi flag, if you were trying to do**  
19 **so. What would you have done? If you were told you**  
20 **can't, you know, the police -- there was an injunc --**  
21 **Mr. Susseman was hired quickly and he got an injunction.**  
22 **And until the situation was resolved, or until the court**  
23 **case was figured out --**
- 24 A I mean, if a court ordered me?
- 25 **Q No. No. If a court ordered you not to specifically**

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1 that --

2 No. No. Let me rephrase this.

3 Who would you have gone to if you were told you  
4 were not able to stop Russ from -- not by a court -- you  
5 were told you couldn't remove the flag?

6 A Who would have told me I couldn't remove the flag?

7 Q The police said, for some reason, even though, you know,  
8 they're out of your direction. But let's say that they  
9 said that they were -- because of this resolution, 2013  
10 resolution, they believe that they couldn't remove it?

11 A That's a bad question, Counselor.

12 Q Here's the question I'm trying to get to. Is who had the  
13 ultimate authority over these flags? Who had that  
14 ultimate authority?

15 If you were stopped from removing the Nazi  
16 flag, for whatever reason, there was some reason you  
17 couldn't take them down, who would you go to to say,  
18 "Let's remove them?"

19 A I mean, I -- I defer to Mayor and Council.

20 Q Exactly. So you'd ask the Mayor and the Council, and  
21 what would they do?

22 A They would tell me to remove it.

23 Q How? How would they speak?

24 A Through a resolution.

25 Q "Through a resolution." So they would speak through a

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1 A I'm sorry. What was the question, sir?

2 Q Whether the City Council had the Constitutional authority  
3 to order removal of a Nazi flag, assuming Mr. Gordon  
4 raised it --

5 MR. MEROUEH: Objection. He's not an expert,  
6 as you've already claimed.

7 MR. SUSSELMAN: You just asked him this  
8 question.

9 A I don't understand what you're asking me, sir. Say it  
10 again, sir.

11 BY MR. SUSSELMAN:

12 Q If the City Council passed such a resolution authorizing  
13 you as the city manager to remove the Nazi flag, would be  
14 subject to the United States Constitution; would it not?

15 A No.

16 MR. MEROUEH: Objection. You just told him he  
17 can't give legal advice. You just told him if he gives  
18 legal advice --

19 MR. SUSSELMAN: Stop it.

20 MR. MEROUEH: You just --

21 MR. SUSSELMAN: You're just being obstructive.

22 MR. MEROUEH: You just did the same thing.

23 MR. SUSSELMAN: No.

24 MR. MEROUEH: You just did it.

25 MR. SUSSELMAN: I'm asking him what basis he

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1 resolution and have whatever they chose to do for that  
2 resolution; correct?

3 A Correct. And that is --

4 Q Then at some point, let's say the citizens were asking  
5 for, not the ISIS flag, but a flag akin to the ISIS flag  
6 in some people's eyes.

7 If the citizens were asking the Mayor and  
8 Council to fly that flag and they were rebuffing them;  
9 correct, would they have that authority?

10 A Yeah. Mayor and Council has the ultimate authority over  
11 the property of the city.

12 MR. SUSSELMAN: I have a follow-up question.

13 ---

14 RE-EXAMINATION

15 BY MR. SUSSELMAN:

16 Q You would agree, I assume, that the City Council is  
17 subject to the United States Constitution; correct?

18 A Yes, sir.

19 Q So whether the city passed a resolution ordering that the  
20 Nazi flag, assuming Mr. Gordon did that, but he never  
21 did, assuming he had done it, that the Nazi flag had to  
22 be removed, would raise a Constitutional question under  
23 the doctrine of content of viewpoint neutrality whether  
24 even the City Council had the authority to pass a  
25 resolution; correct? Or do you not know?

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1 gave you his answer.

2 MR. MEROUEH: Not under the Constitution. I  
3 didn't ask him Constitutional law.

4 MR. SUSSELMAN: Exactly.

5 MR. MEROUEH: I didn't ask him to make any --

6 MR. SUSSELMAN: No, you didn't ask him about  
7 the Constitution.

8 MR. MEROUEH: So that's a question to do in  
9 front of the judge, not to ask Max. It's a question to  
10 go in front of the judge --

11 MR. SUSSELMAN: I'm asking him.

12 MR. MEROUEH: I just told you -- objection.

13 You're asking him to make a legal conclusion.

14 BY MR. SUSSELMAN:

15 Q Do you know if the City Council's resolution would be  
16 subject to the U.S. Constitution?

17 MR. MEROUEH: Objection. Same objection.

18 A So if the City Council passed a resolution directing me  
19 to do something, I mean, if it was illegal to do, like  
20 against the state statute, I would not do it. But if it  
21 was against the Constitution, that would be the subject  
22 of a lawsuit and we would sort that out in court.

23 BY MR. SUSSELMAN:

24 Q Right. And you don't know what that outcome would be?

25 A It's for a judge or jury.

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<p style="text-align: center;">Maxwell Garbarino</p> <p style="text-align: right;">Page 106</p> <p>1 MR. SUSSELMAN: Thank you.</p> <p>2 MR. MEROUEH: We're all set. I'll take a copy.</p> <p>3 (Concluded at 1:36 p.m.)</p> <p>4 ---</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>	<p style="text-align: center;">Maxwell Garbarino</p> <p style="text-align: right;">Page 107</p> <p>1 STATE OF MICHIGAN )</p> <p>2 ) SS.</p> <p>3 COUNTY OF WAYNE )</p> <p>4 CERTIFICATE OF NOTARY PUBLIC</p> <p>5 I, Sharon Julian, a duly commissioned and</p> <p>6 qualified Notary Public for the County of Wayne, State of</p> <p>7 Michigan, do hereby certify that the witness, whose</p> <p>8 attached testimony was taken by me in the entitled cause</p> <p>9 on Friday, March 15, 2024, was by me first duly sworn to</p> <p>10 testify the whole truth in the aforesaid cause, that the</p> <p>11 testimony contained herein was taken down by me in</p> <p>12 machine shorthand, transcribed upon a computer under my</p> <p>13 personal supervision, and is a true and correct</p> <p>14 transcript of the whole of the testimony given by said</p> <p>15 witness.</p> <p>16</p> <p>17 I do further certify that I am not connected by</p> <p>18 blood or marriage with any of the parties or their</p> <p>19 attorneys; that I am not an employee of any of them nor</p> <p>20 interested directly or indirectly in the matter in</p> <p>21 controversy, as counsel, attorney, or otherwise.</p> <p>22</p> <p>23 IN WITNESS WHEREOF, I have hereunto set my hand</p> <p>24 at Dearborn, County of Wayne, State of Michigan, this 3rd</p> <p>25 day of April, 2024.</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>Sharon Julian, CSR-3915 Certified Shorthand Reporter Registered Professional Reporter Notary Public, Wayne County, Michigan My Commission expires: January 21, 2027 ---</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>

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## **EXHIBIT 19**

**Rana f/k/a Faraj Allen**

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

Case No. 23-12812

RUSS GORDON and CATHY STACKPOOLE,

Plaintiffs,

Hon. David Lawson

vs.

THE CITY OF HAMTRAMCK, THE HAMTRAMCK  
CITY COUNCIL, and MAYOR AMER GHALIB  
in his official capacity, only.

Defendants.

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The Deposition of RANA ALLEN f/k/a RANA FARAJ,  
a Witness herein, taken pursuant to Notice of Taking  
Deposition before Sharon Julian, CSR-3915, Registered  
Professional Reporter and Notary Public in the County of  
Wayne, State of Michigan, at 3401 Evaline Street,  
Hamtramck, Michigan, on Friday, March 15, 2024,  
commencing at about 10:33 a.m.

APPEARANCES:

MARC M. SUSSELMAN, ESQ. P29481  
43834 Brandywyne Road  
Canton, Michigan 48187  
734-416-5186  
marcsusselman@gmail.com

For Plaintiffs.

ODEY MEROUEH, ESQ. P76460  
Meroueh & Hallman, LLP  
14339 Ford Road  
Dearborn, Michigan 48126  
313-582-7469  
okm@mhatlaw.com

For Defendants.

PRESENT: Alex Lagrou - Law Clerk  
Meroueh & Hallman, LLP



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1	INDEX	1	Hamtramck, Michigan
2	WITNESS: RANA ALLEN f/k/a RANA FARAJ	2	Friday, March 15, 2024
3	Examination By Mr. Susselman 3	3	About 10:33 a.m.
4	Examination By Mr. Meroueh 26	4	---
5	---	5	MR. SUSSELMAN: Let the record reflect this is
6		6	the deposition being taken pursuant to Notice of Rana
7	EXHIBITS	7	Faraj. To be used for all purposes admissible under the
8	(Attached/Scanned)	8	Federal Rules of Civil Procedure and the Federal Rules of
9	Exhibit No. Description Page	9	Evidence.
10	3 Notice of Deposition Duces Tecum 3	10	---
11	of Rana Faraj	11	RANA ALLEN p/k/a RANA FARAJ,
12	4A-4B Two Packets of E-mails 8	12	a Witness herein, having been first duly sworn,
13	8 June 13, 2023 Letter, Mann to 24	13	testified as follows:
14	City Council	14	EXAMINATION
15	9 Letter, Joseph Stralka to City Council 25	15	
16	10 Packet of Letters from Residents 25	16	(Exhibit 3 was marked for identification.)
17	---	17	BY MR. SUSSELMAN:
18		18	<b>Q Miss Faraj, this is Exhibit Number 3. Did you receive a</b>
19		19	<b>copy of this Notice of Deposition?</b>
20		20	A Probably.
21		21	<b>Q It's a Deposition Notice Duces Tecum, which means you</b>
22		22	<b>were requested to bring documents with you that were</b>
23		23	<b>identified in the Notice.</b>
24		24	<b>Have you brought any of the documents?</b>
25		25	<b>Have you looked at the Notice --</b>
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Page 4		Page 5	
1	A Huh-uh.	1	A I'll look at it again.
2	<b>Q -- on the second page, documents numbered 1, 2, and 3.</b>	2	<b>Q Okay. We'll go over what you submitted.</b>
3	<b>Did you bring any of those?</b>	3	A Sure.
4	A I e-mailed those --	4	<b>Q So that's all you submitted were the -- what you sent to</b>
5	MR. MEROUEH: We e-mailed those yesterday --	5	<b>opposing counsel yesterday?</b>
6	A Yeah.	6	A Yes.
7	MR. MEROUEH: -- I believe.	7	<b>Q Okay. So you don't have any notes, other than those</b>
8	BY MR. SUSSELMAN:	8	<b>e-mails, relating to discussions regarding the Resolution</b>
9	<b>Q Those were the e-mails that were submitted for the --</b>	9	<b>2023-99?</b>
10	A Correct.	10	A I have no notes.
11	<b>Q -- June, it was the 13th --</b>	11	<b>Q Okay. Have you been deposed before?</b>
12	A Correct.	12	A Yes.
13	<b>Q -- Council meeting? Those are the only documents you</b>	13	<b>Q I'm going to go over the ground rules anyway. Okay.</b>
14	<b>have?</b>	14	A Sure.
15	A Correct. That's what you asked for.	15	<b>Q So I'll be asking you questions. If you don't understand</b>
16	<b>Q No. I asked for letters.</b>	16	<b>a question, please ask me to repeat it and I'll try and</b>
17	There were no letters. In fact, the e-mails	17	<b>clarify it. If you answer the question, I'll assume you</b>
18	refer to letters that were not attached.	18	<b>understood it.</b>
19	A The letters in all e-mails were attached to the e-mail.	19	A Sure.
20	It's one attachment with all letters and e-mails in it.	20	<b>Q Mr. Meroueh --</b>
21	<b>Q Well, I have it here, and we'll identify it. But, no,</b>	21	MR. SUSSELMAN: Is that how you pronounce it?
22	<b>because I've watched the video of the Council meeting and</b>	22	MR. MEROUEH: That's fine.
23	<b>there were letters and e-mails that were read at the</b>	23	BY MR. SUSSELMAN:
24	<b>Council meeting, and the e-mails were different --</b>	24	<b>Q -- may make objections from time to time. Unless the</b>
25	<b>separate from the letters.</b>	25	<b>objection is attorney-client privilege, you're required</b>
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- 1 to answer the question over the objection.
- 2 A Okay.
- 3 Q And try and give verbal answers, not nods of the head.
- 4 So what is your current status to the City of
- 5 Hamtramck?
- 6 A I don't understand the question.
- 7 Q What position do you occupy?
- 8 A I'm a clerk.
- 9 Q And how long have you held that position?
- 10 A Almost three years.
- 11 Q So that would be starting in 2021?
- 12 A Correct.
- 13 Q And what kind of employment did you have before that?
- 14 A Physical therapy. Multiple things. You want me to list
- 15 them all?
- 16 Q Just the first five, how's that?
- 17 A Payroll. Physical therapy. I did that for many years.
- 18 Q Where did you do payroll?
- 19 A I owned my own spa.
- 20 Q Where'd you do the payroll?
- 21 A Hold on. I did that for a short period of time.
- 22 Metro Solutions.
- 23 Q Okay. So it was a private company?
- 24 A Correct.
- 25 Q Prior to that, what's your education background?

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- 1 A Bachelor's in Criminal Justice.
- 2 Q In criminal justice. Where'd you obtain that?
- 3 A U of M.
- 4 Q What year?
- 5 A I don't recall.
- 6 Q Did you go directly to college from high school?
- 7 A Yes.
- 8 Q And so you were hired as a clerk. What functions -- what
- 9 functions does that involve for city hall?
- 10 A Recordkeeping. I facilitate elections and City Council
- 11 meetings.
- 12 Q Did you have any -- prior to June of 2023, had you had
- 13 any discussions with any of the employees, or the
- 14 administrators, or any of the Council members of
- 15 Hamtramck relating to the Pride flag issue?
- 16 A No.
- 17 Q What has been your involvement relating to the Pride flag
- 18 issue?
- 19 A I'm a recordkeeper. I don't make decisions.
- 20 Q And you had no discussions?
- 21 A Not at all.
- 22 Q Were you present at any discussions where --
- 23 A City Council meetings.
- 24 Q Other than those?
- 25 A Not that I recall.

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- 1 Q So you don't have any recollection of having any
- 2 discussions where Council members discussed the Pride
- 3 flag issue?
- 4 A No.
- 5 MR. MEROUEH: Thank you.
- 6
- 7 (Exhibit 4A & 4B was marked for
- 8 identification.)
- 9 BY MR. SUSSELMAN:
- 10 Q I'm going to show you what's been marked as Plaintiff's
- 11 Exhibits 4A and 4B.
- 12 A Sure.
- 13 Q Have you look at those and ask you to identify them.
- 14 A Do you want me to identify them as my e-mails? What do
- 15 you want me -- how do you want me to identify them?
- 16 Q Identify them however you can.
- 17 A They're e-mails.
- 18 Q Okay. And are those e-mails relating to the resolution
- 19 to propose Pride flag resolution that was discussed at
- 20 the meeting on, I think it was June 23rd of 2023?
- 21 A Well, there's hundreds of e-mails here. From what it
- 22 looks like, it looks like the documents that I e-mailed
- 23 yesterday, from quick glance.
- 24 Q Did you review them -- did you review anything prior to
- 25 today's deposition?

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- 1 A I purposely did not review anything so that I could come
- 2 here with a fresh mind in what I know.
- 3 Q Did you -- you're aware there's been a lawsuit filed
- 4 against the City of Hamtramck --
- 5 A I'm aware of that.
- 6 Q -- by Mr. Gordon and Miss Stackpoole?
- 7 A Correct. I'm aware.
- 8 Q Have you read the Complaint?
- 9 A No.
- 10 Q Did you discuss the Complaint with any members of the
- 11 Council or the Mayor?
- 12 A No.
- 13 Q Did the city attorney discuss the Complaint with you,
- 14 which would be attorney-client privilege, but I just want
- 15 to know, did he discussed it with you?
- 16 A Honestly, no.
- 17 Q So these are copies of e-mails that were sent to the City
- 18 of Hamtramck relating to the proposed resolution. Was it
- 19 2023 -- hold on.
- 20 2023-82. Do you know that resolution by its
- 21 number?
- 22 A I don't, but if that's what you're reading in front of
- 23 you, then -- I don't know the number by heart. I know
- 24 there's a resolution. I don't know the number by heart.
- 25 Q Okay. At the Council meeting where the resolution was

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1 discussed, which related to what flags could be raised on  
2 the flag poles on Joseph Compau, and you received those  
3 e-mails and you read them; correct?

4 A Correct.

5 **Q** So you, at least at one time, you read those e-mails and  
6 you knew at one time what they said?

7 A Correct.

8 **Q** And you didn't review them prior to today?

9 A No. No, I did not.

10 **Q** Okay. Well, let me just -- first, I want to say  
11 something also preliminary.

12 I submitted a request for production of  
13 documents in February. They had two parts. One part was  
14 all communications between members of the City Council  
15 and the Mayor. And then all letters and e-mails that  
16 were submitted to the City of Hamtramck relating to that  
17 resolution regarding the flag issue.

18 Yesterday I received what has been marked as  
19 Plaintiff's Exhibit 4A and 4B, which is responsive only  
20 to the e-mails and letters that were submitted. I have  
21 not received --

22 MR. MEROUEH: We don't -- we don't really have  
23 any. They're saying that there wasn't any text. That  
24 was done by either on the phone or, you know, in person  
25 talking.

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1 MR. SUSSELMAN: So --

2 MR. MEROUEH: I'm trying to wait and confirm  
3 that for you, and I'm going to give you -- I'm going to  
4 respond --

5 MR. SUSSELMAN: So you're representing --

6 MR. MEROUEH: I'm not representing just yet,  
7 but I will more likely represent that.

8 MR. SUSSELMAN: Well, Mr. Meroueh, let me  
9 respond.

10 You've had over 30 days --

11 Let me just finish.

12 -- to produce these documents.

13 MR. MEROUEH: There's no reason to have this  
14 argument here. If you want to file a motion, go for it.  
15 But, yeah, that's the answer.

16 MR. SUSSELMAN: Well, I'm raising it because I  
17 didn't receive them.

18 MR. MEROUEH: There's nothing to receive, Mark,  
19 I'm telling you.

20 A There's a denial letter. Wasn't that part of the denial  
21 letter on the e-mail? On the text messages?

22 He sent text messages --

23 MR. MEROUEH: No, no, no, not that. He's  
24 asking for -- if the Council had any text messages with  
25 themselves about the Pride flag --

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1 MR. SUSSELMAN: Not just texts. I said --

2 MR. MEROUEH: -- or e-mails and stuff.

3 MR. SUSSELMAN: Any e-mails, texts, notes,  
4 correspondence between the Mayor of Hamtramck and any  
5 member of the Hamtramck City Council, or any resident of  
6 Hamtramck, or other individual --

7 MR. MEROUEH: I'm aware --

8 MR. SUSSELMAN: Are you saying none of the --  
9 you don't have --

10 MR. MEROUEH: Correct. That's what they're  
11 saying.

12 MR. SUSSELMAN: No e-mails? No notes? No  
13 letters?

14 MR. MEROUEH: No.

15 MR. SUSSELMAN: Really?

16 Okay. I'll await your -- I'm going to say --

17 MR. MEROUEH: I'm going to send you a more  
18 official one, but yes.

19 MR. SUSSELMAN: Okay. I haven't gotten an  
20 official answer. You know, you've had over 30 days.

21 MR. MEROUEH: But I'm trying to confirm for  
22 you.

23 MR. SUSSELMAN: You've had over 30 days to do  
24 this.

25 MR. MEROUEH: That's fine.

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1 MR. SUSSELMAN: And the reason I'm raising it,  
2 if you produce something pursuant to my request for  
3 production after these depositions are completed, and if  
4 there's something in there that I would have asked at  
5 this deposition, I reserve the right to recall the  
6 witness.

7 MR. MEROUEH: That's completely fair. No  
8 worries. Yes, that's fine.

9 BY MR. SUSSELMAN:

10 **Q** So you recall that at the City Council meeting that day  
11 in June you read e-mails, you also read letters, correct,  
12 that have been videotaped? Your reading the letters was  
13 videotaped?

14 A I'm not sure if there was letters. I know I printed  
15 every e-mail that was sent to me, so --

16 **Q** You don't remember that you read letters?

17 A I recall this day that I printed out all of the e-mails.  
18 I cannot tell you from a year ago if there was a  
19 letter --

20 **Q** But they were letters? They're on videotape.

21 A Do you want me to answer your question?

22 MR. MEROUEH: Objection. At this point, you  
23 have to answer his questions. But objection as to form.

24 BY MR. SUSSELMAN:

25 **Q** Let me ask you. If there had been letters, would they be

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- 1 something that the city would have retained?
- 2 A Absolutely.
- 3 Q So if there were letters, they've been retained and not
- 4 been destroyed?
- 5 A Correct.
- 6 Q Well, I ask you to take a look at page 33 of Exhibit 4A.
- 7 A Page 33 of 4A?
- 8 Q Correct.
- 9 A Okay.
- 10 Q Could you read into the record what that says? "To whom
- 11 it concerns," what does that say?
- 12 A "Please find attached a letter humbly submitted in
- 13 regards to proposal 2023-82."
- 14 Q Do you see a letter attached?
- 15 A Not the way these are form -- set up, no, I don't.
- 16 Q Well, could you -- turn to page -- of Plaintiff's
- 17 Exhibit 4B.
- 18 A Okay.
- 19 Q -- the next part, please turn to page 224. So let me --
- 20 on page 33, this is an e-mail submitted by whom?
- 21 Somebody named what?
- 22 A Sean.
- 23 Q Okay. Please turn to page 224.
- 24 A Um-hmm. Okay.
- 25 Q And what does that say?

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- 1 attached.
- 2 A Okay. It wasn't done intentionally, but I can go
- 3 through --
- 4 Q I don't care why it was done.
- 5 A That's fine. I'm still looking through the hundred
- 6 pages. Bear with me.
- 7 Q Sure.
- 8 A (Witness reviewing document.)
- 9 Here's a voice mail.
- 10 Q It's not a letter. What page is that?
- 11 A I'm speaking out loud. I'm thinking out loud.
- 12 Q Okay. Did you find any letters?
- 13 A They all look like e-mails.
- 14 Q Okay. Could you please do the same for Plaintiff's
- 15 Exhibit 4B, go through it and tell me --
- 16 A I just had shoulder surgery, by the way.
- 17 Q Sorry. What?
- 18 A I just had shoulder surgery, by the way, so the flipping
- 19 of the pages is redundant, but I'll flip through them.
- 20 Q Please.
- 21 A Hopefully, I don't have to see a doctor again. Instead
- 22 of me just going and pulling out these --
- 23 Q I want to know if there are any letters in there?
- 24 A It seems like you already know the answer.
- 25 Q But I can't testify.

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- 1 A "Attached is a letter I'd like read into the record
- 2 regarding this evening's flag resolution."
- 3 Q And who sent that?
- 4 A Joe.
- 5 Q Is there a letter attached to that e-mail?
- 6 A I don't see one immediately before or after.
- 7 Q Okay. Well, I've watched the videotape --
- 8 A Okay.
- 9 Q -- and there were multiple letters submitted that you
- 10 read --
- 11 A I can look -- I can look in spots that I did not look.
- 12 Q Well, could you look through Exhibit 4A and tell me if
- 13 there are any letters included in that?
- 14 And then look -- please look through it.
- 15 Please look through 4A and tell me are there any letters
- 16 in there?
- 17 A You want me to look through the hundred pages?
- 18 Q Yeah, I do.
- 19 A Okay. (Witness reviewing document.)
- 20 They all look like letters.
- 21 Q They're not letters, they're e-mails.
- 22 A So the e-mails that are on page 33, that's not an e-mail?
- 23 So page 33 is not an e-mail? That says "I've attached a
- 24 letter --
- 25 Q Page 33 is an e-mail that refers to a letter that's not

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- 1 A Sure. All e-mails.
- 2 Q Do you recall at the Council meeting individuals who
- 3 attended the meeting, some gave verbal comments at the
- 4 meeting regarding their support or opposition of the
- 5 resolution? Do you remember that?
- 6 A Yes.
- 7 Q And that's where you started the meeting? Started with
- 8 the verbal comments?
- 9 A No.
- 10 Q Well, there were other preliminary matters that were
- 11 taken care of. Like, attendance of Council members,
- 12 et cetera.
- 13 But in terms of the resolution that was being
- 14 proposed, the verbal comments about the resolution were
- 15 read -- were spoken first before the letters and e-mails
- 16 were read; correct?
- 17 A I don't recall which one was first.
- 18 Q You don't recall.
- 19 And then do you recall that letters, other than
- 20 e-mails, were read at the Council meeting?
- 21 A I remember reading everything I received. Or I don't --
- 22 I remember reading whatever I had documents to read.
- 23 Q Some which were letters?
- 24 A I remember reading a lot of e-mails and a lot of things
- 25 that were on pieces of paper. I don't know what your

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- 1 definition is of a letter as opposed to an e-mail with  
 2 a -- what looks like a letter. But I read -- a lot of  
 3 things were on a piece of paper.  
 4 **Q But you know the difference between a letter and an**  
 5 **e-mail; don't you?**  
 6 **A letter is a correspondence that was sent to**  
 7 **the City of Hamtramck.**  
 8 A Oh, not the attachments that you were referring to in the  
 9 e-mails?  
 10 **Q The attachments aren't in there. You just said --**  
 11 A But those are letters.  
 12 **Q But they --**  
 13 A So, you have two definitions of letters.  
 14 **Q Okay. The e-mails are sent electronically.**  
 15 A Okay.  
 16 **Q As you indicated, everything in Plaintiff's Exhibit 4A**  
 17 **and 4B is an e-mail; right? None of them are letters;**  
 18 **correct?**  
 19 A Correct.  
 20 **Q So you know what a letter is. A letter is not an e-mail,**  
 21 **and an e-mail is not a letter; correct?**  
 22 A Okay.  
 23 **Q But my recollection is that you read letters at the**  
 24 **Council meeting. You identified them as letters.**  
 25 A Okay.

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- 1 **Q They're not in here. I asked for their production.**  
 2 **And I asked you in the Notice of your**  
 3 **Deposition Duces Tecum to bring everything you had in**  
 4 **your possession. I said --**  
 5 MR. MEROUEH: Objection. She's offering to go  
 6 print them out right now, Mark. We can end this  
 7 conversation and move forward if you want to just give  
 8 her two minutes --  
 9 A It's literally an attachment that I overlooked.  
 10 MR. MEROUEH: She just forgot --  
 11 A I can print those out for you. Not waste 30 minutes of  
 12 your deposition.  
 13 BY MR. SUSSELMAN:  
 14 **Q Yes, that's fine. I'd like you to do that. But I'll**  
 15 **have you say on the record.**  
 16 **As far as you know, those are the only two**  
 17 **letters that were submitted in letter form?**  
 18 A I'm not going to say word for word what you're telling me  
 19 to now say.  
 20 **Q It's called a leading question.**  
 21 A That wasn't a question. You said, "I want you to say --"  
 22 **Q It's a leading question, which I'm allowed to do.**  
 23 A Okay. What's your question?  
 24 **Q Are you representing that the only two letters that you**  
 25 **received and were read at the Council meeting on**

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- 1 **June 23rd of 2023, are the two letters referred to in the**  
 2 **two e-mails?**  
 3 A No, I'm not saying that. You said that there's two  
 4 missing.  
 5 I don't know. I'd have to look through each  
 6 one even closer than you have. But you found the two. I  
 7 will go and supply you the two that I overlooked and  
 8 didn't print for you.  
 9 **Q This isn't -- ma'am, I'm sorry. This is not some minor**  
 10 **issue. All right. I understand you could have**  
 11 **overlooked it. I understand that.**  
 12 A Okay. And I said I'll find them for you.  
 13 **Q And are those the only two letters --**  
 14 A That I'm aware of.  
 15 **Q -- that you're aware of?**  
 16 A Correct.  
 17 **Q And if it's the case at the Council meeting you refer to**  
 18 **other items being letters in addition to those two, what**  
 19 **is your representation as to what happened to them?**  
 20 A That means a year ago I may have been aware of more  
 21 letters and now I'm not. You found two that I missed,  
 22 and I'll find those two, and I'll give them to you. And  
 23 if I --  
 24 **Q Please do.**  
 25 A You want me to stop answering your question?

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- 1 MR. MEROUEH: Take a five-minute break.  
 2 MR. SUSSELMAN: Sure.  
 3 THE WITNESS: I'm not out to get anyone.  
 4 MR. MEROUEH: They also have been read on the  
 5 record, so this is a moot point.  
 6 THE WITNESS: It's ridiculous. Whatever.  
 7 Can you tell me what pages they're on so I can  
 8 look them up without spending hours doing this?  
 9 MR. SUSSELMAN: Sure.  
 10 THE WITNESS: I know the one is on page 33.  
 11 MR. SUSSELMAN: And the other is on page 224.  
 12 (Recessed at 11:01 a.m.;  
 13 Resumed at 11:12:57 a.m.)  
 14 BY MR. SUSSELMAN:  
 15 **Q Miss Faraj, do you have other letters?**  
 16 A Yes. I have two attachments that were in the e-mail that  
 17 I forgot to print out. And I'm going to make your day.  
 18 And I also remembered some e-mails -- some letters that  
 19 were hand delivered to me a month later. Okay.  
 20 But I'm still going to supply those to you  
 21 because they're relevant to the case. Okay?  
 22 **Q I'll decide if they're relevant.**  
 23 A Sure. That's fine. Sorry, I used the wrong word.  
 24 MR. SUSSELMAN: Actually, Odey, could you make  
 25 copies of these letters? I want to make them exhibits.

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1 MR. MEROUEH: Those are your copies; right?  
 2 MR. SUSSELMAN: Yeah, but I'm going to need  
 3 more than one for an exhibit.  
 4 MR. MEROUEH: Yeah, go ahead.  
 5 THE WITNESS: The second page is two sides.  
 6 MR. MEROUEH: Just this one specifically?  
 7 MR. SUSSELMAN: Those are the ones --  
 8 MR. MEROUEH: That's all you gave him?  
 9 THE WITNESS: I gave him the stack of paper.  
 10 MR. SUSSELMAN: Actually, make four copies of  
 11 this stack.  
 12 MR. LAGROU: No, I will.  
 13 MR. SUSSELMAN: Thank you.  
 14 BY MR. SUSSELMAN:  
 15 **Q While we're waiting, could you just look through the**  
 16 **Exhibits 4 and 4B, just review them briefly and tell me**  
 17 **if you have a sense of whether most of the e-mails are in**  
 18 **favor of the proposed resolution or opposed?**  
 19 A I can tell you without looking that more of them are  
 20 opposing the resolution.  
 21 **Q Would you agree that it's considerably more opposing?**  
 22 A Absolutely.  
 23 **Q By my count of the --**  
 24 **So just looking at the e-mails that were**  
 25 **received as of June 23rd, there were others that were**

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1 **opposed, and actually only three were in support. So**  
 2 **that's more than 30-to-1 by my count. All right.**  
 3 MR. MEROUEH: I'll object to that last question  
 4 as to form.  
 5 BY MR. SUSSELMAN:  
 6 **Q Okay. So other --**  
 7 MR. SUSSELMAN: Let's just wait until the  
 8 copies come back because I want you to identify them.  
 9 MR. MEROUEH: Can I ask some questions?  
 10 MR. SUSSELMAN: Me, or --  
 11 MR. MEROUEH: No, no. I'll ask her.  
 12 MR. SUSSELMAN: Not until I'm done.  
 13 MR. MEROUEH: Okay. Just want to get them out  
 14 of the way.  
 15 MR. SUSSELMAN: No.  
 16 (Pause in proceedings.)  
 17 (Exhibit 8 was marked for identification.)  
 18 BY MR. SUSSELMAN:  
 19 **Q Miss Faraj, can you identify what has been marked as**  
 20 **Plaintiff's Exhibit's Number 8?**  
 21 A It's a letter from Detroit City FC, Sean Mann.  
 22 **Q Okay. Is that the letter that is referred to in the**  
 23 **e-mail on page 33 of Exhibit 4A?**  
 24 A Yes.

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1 **received after June 23rd, but the resolution hearing was**  
 2 **on June 23rd; correct?**  
 3 A Correct.  
 4 **Q Do you remember that?**  
 5 A Yes.  
 6 **Q Okay. And some of them were submitted by people who were**  
 7 **not residents of Hamtramck. By my count, there were 17**  
 8 **e-mails submitted by people who acknowledge they were not**  
 9 **residents of Hamtramck.**  
 10 **Do you have any reason to disagree with that?**  
 11 A Not everybody in the e-mail said where they reside, but  
 12 if that's the number you came up with, you have your own  
 13 ways --  
 14 **Q People acknowledged they were not residents of**  
 15 **Hamtramck --**  
 16 A Okay.  
 17 **Q -- there were, approximately, 17.**  
 18 **That left, as of the date of the hearing, 97**  
 19 **e-mails submitted by people who purported to be residents**  
 20 **of Hamtramck. And according to my count, 94 of those**  
 21 **e-mails were opposed to the resolution.**  
 22 **Do you have any reason to disagree with that?**  
 23 A I already told you more of them are opposing the  
 24 resolution. Those are your numbers.  
 25 **Q They're my numbers. Considerably more. So 94 were**

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1 (Exhibit 9 was marked for identification.)  
 2 BY MR. SUSSELMAN:  
 3 **Q Okay. And can you identify what's been marked as**  
 4 **Plaintiff's Exhibit Number 9?**  
 5 A It's a letter.  
 6 **Q "It's a letter." And is that the letter that was**  
 7 **referred to in the e-mail in Plaintiff's Exhibit 4B on**  
 8 **page 224 as being attached --**  
 9 A Yes.  
 10 **Q -- to Joe's e-mail?**  
 11 (Exhibit 10 was marked for identification.)  
 12 BY MR. SUSSELMAN:  
 13 **Q Okay. Miss Faraj, can you identify what's been marked as**  
 14 **Plaintiff's Exhibit Number 10?**  
 15 A A stack of letters.  
 16 **Q And what do they refer to?**  
 17 A "What do they refer to?"  
 18 **Q Um-hmm.**  
 19 A This one's about gender nonconformity.  
 20 **Q Well, let me ask you. Are these letters that were**  
 21 **received by Hamtramck -- City of Hamtramck after the**  
 22 **June 23rd --**  
 23 A Yes. They're all dated July 11th.

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1 **Q All right. And they all relate to the writers' support**  
 2 **of, or opposition to the resolution that was passed at**  
 3 **that meeting?**  
 4 A I believe they're all related to the resolution of  
 5 2023-82.  
 6 **Q Thank you.**  
 7 MR. SUSSELMAN: I have no further questions.  
 8 MR. MEROUEH: At all? Okay.  
 9 ---  
 10 EXAMINATION  
 11 BY MR. MEROUEH:  
 12 **Q Rana, why would you say there were more letters or**  
 13 **e-mails opposed to the Pride flag resolution than**  
 14 **in-person comment?**  
 15 A Wait. Say that one more time.  
 16 **Q Why would you say there were more letters and e-mails**  
 17 **that were opposed to the Pride flag resolution than made**  
 18 **comment?**  
 19 MR. SUSSELMAN: Objection. Speculation.  
 20 BY MR. MEROUEH:  
 21 **Q Answer it.**  
 22 A Maybe it's easier to send an e-mail than to actually come  
 23 to the City Council meeting.  
 24 MR. SUSSELMAN: I don't think that was the  
 25 question.

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1 they're not going to start an e-mail and say: I'm not in  
 2 Hamtramck. Maybe a few of them might, but you don't  
 3 really know the details.  
 4 **Q So just to clarify. Unless they said they were from the**  
 5 **City of Hamtramck or not, you can make no conclusions?**  
 6 A You don't know.  
 7 **Q Thank you.**  
 8 MR. MEROUEH: No more further questions.  
 9 You're good, Rana.  
 10 MR. SUSSELMAN: Done.  
 11 THE WITNESS: Thanks.  
 12 (Concluded at 11:31 a.m.)  
 13 ---  
 14  
 15  
 16  
 17  
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 24  
 25

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1 A Was that what you were asking?  
 2 BY MR. MEROUEH:  
 3 **Q Just follow up. Why would it be easier for those who**  
 4 **e-mailed to e-mail rather than come in; in your opinion?**  
 5 A Why would it be easier to e-mail than to come in to City  
 6 Council?  
 7 Just for the simple fact that it's easier to  
 8 send an e-mail than to drive out here and be a part of  
 9 the public.  
 10 **Q Yeah. "To drive out here," you said; right?**  
 11 **Actually, so he said 97 e-mails were purported**  
 12 **to be citizens of the City of Hamtramck because they**  
 13 **didn't disclaim from being in the city. Is that true, do**  
 14 **you think, or --**  
 15 MR. SUSSELMAN: Objection. Speculation.  
 16 MR. MEROUEH: Sure. Your question was  
 17 speculation as well, but --  
 18 A I believe the e-mails were from a variety of places.  
 19 BY MR. MEROUEH:  
 20 **Q Why would you say that? Why would you think that?**  
 21 A Personally, maybe -- honestly, I can't say where they're  
 22 from unless they stated it.  
 23 **Q Right.**  
 24 A So if they stated they were outside of the city, and he's  
 25 saying that the 17, those are his numbers, but the 97 --

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1 STATE OF MICHIGAN )  
 2 ) SS.  
 3 COUNTY OF WAYNE )  
 4 CERTIFICATE OF NOTARY PUBLIC  
 5 I, Sharon Julian, a duly commissioned and  
 6 qualified Notary Public for the County of Wayne, State of  
 7 Michigan, do hereby certify that the witness, whose  
 8 attached testimony was taken by me in the entitled cause  
 9 on Friday, March 15, 2024, was by me first duly sworn to  
 10 testify the whole truth in the aforesaid cause, that the  
 11 testimony contained herein was taken down by me in  
 12 machine shorthand, transcribed upon a computer under my  
 13 personal supervision, and is a true and correct  
 14 transcript of the whole of the testimony given by said  
 15 witness.  
 16 I do further certify that I am not connected by  
 17 blood or marriage with any of the parties or their  
 18 attorneys; that I am not an employee of any of them nor  
 19 interested directly or indirectly in the matter in  
 20 controversy, as counsel, attorney, or otherwise.  
 21 IN WITNESS WHEREOF, I have hereunto set my hand  
 22 at Dearborn, County of Wayne, State of Michigan, this 3rd  
 23 day of April, 2024.  
 24  
 25

Sharon Julian, CSR-3915  
 Certified Shorthand Reporter  
 Registered Professional Reporter  
 Notary Public, Wayne County, Michigan  
 My Commission expires: January 21, 2027  
 ---

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ON THE RECORD REPORTING &amp; VIDEO

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Rana f/k/a Faraj Allen

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			<b>6</b>	
			<b>7</b>	
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## **EXHIBIT 20**



1 1 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN 2 3 Case No.  
23-12812 4 RUSS GORDON and CATHY STACKPOOLE, 5 Plaintiffs, Hon. David Lawson 6 vs.  
7 THE CITY OF HAMTRAMCK, THE HAMTRAMCK CITY COUNCIL, and MAYOR AMER  
GHALIB 8 in his official capacity, only. 9 Defendants.

/ 10 The Deposition of KAREN MARIE

MAJEWSKI, a 11 Witness herein, taken pursuant to Notice of Taking Deposition before Sharon  
Julian, CSR-3915, Registered 12 Professional Reporter and Notary Public in the County of  
Wayne, State of Michigan, at 3401 Evaline Street, 13 Hamtramck, Michigan, on Tuesday, March  
26, 2024, commencing at about 10:21 a.m. 14 APPEARANCES IN PERSON: 15 MARC M.  
SUSSELMAN, ESQ. P29481 16 43834 Brandywyne Road Canton, Michigan 48187 17 734-416-  
5186 marcsusselman@gmail.com 18 For Plaintiffs. 19 ODEY MEROUEH, ESQ. P76460 20  
Meroueh & Hallman, LLP 14339 Ford Road 21 Dearborn, Michigan 48126 313-582-7469 22  
okm@mhatlaw.com 23 For Defendants. 24 PRESENT: Russ Gordon, Plaintiff. 25 ☐ 2 1 INDEX  
2 WITNESS: KAREN MARIE MAJEWSKI PAGE 3 Examination By Mr. Susselman 3 4  
Examination By Mr. Meroueh 17 5 Re-Examination By Mr. Susselman 28 6 Re-Examination By  
Mr. Meroueh 31 7 Re-Examination By Mr. Susselman 34 - - - 8 9 EXHIBITS 10 (None marked.)  
11 - - - 12 13 EXHIBITS (Referenced) 14 Deposition Page 15 Exhibit Description Ref'd

===== 16 2 Affidavit  
of Maxwell Garbarino 11 17 5 Resolution 2013-102 7 18 - - - 19 20 21 22 23 24 25 ☐ 3 1  
Hamtramck, Michigan 2 Tuesday, March 26, 2024 3 About 10:21 a.m. 4 - - - 5 MR.  
SUSSELMAN: Let the record reflect this is 6 the deposition of Karen Mayewski -- 7 THE  
WITNESS: Majewski. 8 MR. SUSSELMAN: -- Majewski being taken 9 pursuant to Notice. To be  
used for all purposes 10 permissible under the Federal Rules of Civil Procedure. 11 - - - 12  
KAREN MARIE MAJEWSKI, 13 a Witness herein, having been first duly sworn, 14 testified as  
follows: 15 EXAMINATION 16 BY MR. SUSSELMAN: 17 Q Can you state your name for the  
record, please. 18 A Karen Majewski. 19 Q Miss Majewski, there are some grounds rules that I  
need 20 to tell you about the deposition. 21 So, I will be asking you a number of questions. 22 If  
you don't understand the question, please ask me to 23 rephrase it, and I'll try and rephrase it  
until you 24 understand it. If you answer the question, I'll assume 25 that you have understood  
it. ☐ 4 1 You should give your answers verbally, not with 2 gestures or nods of the head. 3 And  
opposing counsel may from time to time 4 object. But unless the objection is to attorney-client 5  
privilege, which I don't see how it could apply to you 6 since you're not a party to the lawsuit.,  
you still have 7 to answer the question over the objection. 8 A Um-hmm. 9 Q So could you tell us  
something about your educational 10 background? 11 A Sure. I have a Bachelor's and a  
Master's in English from 12 Southern Illinois University. And a Master's and a Ph.D. 13 in  
American Culture from the University of Michigan Ann 14 Arbor. 15 Q When did you obtain your  
Ph.D.? 16 A In 1998. 17 Q And your bachelor's? 18 A 1977. 19 Q Between the time you  
obtained a bachelor's degree and you 20 entered the Ph.D. program, were you employed? 21 A  
Yes. At various places and various cities. So I taught 22 English at Inver Hills Community  
College in -- outside 23 Minneapolis. I taught English at North Carolina State 24 University in  
Raleigh. And did other work in the 25 meantime, but those were the academic appointments. ☐  
5 1 Q Mostly teaching? 2 A Um-hmm. 3 Q And after you obtained you're Ph.D., what kind of 4  
employment did you have? 5 A I was working for the Orchard Lake Schools and the Polish 6  
Mission of the Orchard Lake Schools. The names of the 7 institution, you know -- internally the  
institutional 8 names changed over time, but it's a Polish-American 9 institution in Orchard Lake,  
Michigan. 10 Q Do you have any expertise in Polish history or Polish -- 11 A Yes, I do. 12 Q And  
what is -- 13 A I'm a Polish-American historian. So a historian in 14 immigration and ethnicity,  
with a focus on Polish 15 immigration. 16 Q Have you been employed by the City of  
Hamtramck? 17 A I was an elected official at the City of Hamtramck. I 18 don't consider that the  
same as being employed. 19 Q Okay. And when were you first elected? 20 A In 2003 I was  
elected to City Council. And I, actually, 21 was appointed by -- after the election, there was a 22  
vacancy in City Council, so I was appointed to fill that 23 vacancy for the two months before my  
term actually began 24 at the beginning of 2004. 25 So I began serving in November of 2003.  
Was ☐ 6 1 sworn in, you know, under -- as an elected official under 2 my election in January of  
2004. 3 I served as City Council President, and then 4 later Mayor Pro-tem because our City  
Charter changed, so 5 the terms changed, but it was, basically, the same 6 position. 7 Served

as City Council President/Mayor Pro-tem 8 in 2004 and 2005. In 2005 I was elected Mayor. I took 9 office in January of 2006 and served until December 31st, 10 2021. 11 Q So you served as Mayor of Hamtramck for 15 years, 12 approximately? 13 A Sixteen years. 14 Q "Sixteen years"? 15 A Um-hmm. 16 Q During that time period when you were either on the City 17 Council or Mayor Pro-tem, or Mayor, did you have any 18 experience relating to the policy of displaying flags on 19 flag poles on Joseph Campau Avenue? 20 A I believe around 2012 the Human Relations Commission 21 approached City Council requesting authority to repair 22 and maintain the city flag poles, which were in disrepair 23 and, basically, not usable and not being used. To 24 repair and maintain the City Council -- or the flag poles 25 on Joseph Campau and to fly flags on it. □ 7 1 And that authority was granted by resolution of 2 City Council, I think, in 2012. 3 4 (Exhibit 5 was referenced.) 5 BY MR. SUSSELMAN: 6 Q I'm going to show you what's been marked as Plaintiff's 7 Exhibit 5 in a prior deposition. Are you familiar with 8 that resolution? 9 A (Witness reviewing document.) Yes. 10 Q Is this the resolution you're referring to? 11 A Yes, it is. 12 Q And what was your understanding regarding the scope of 13 authority that was provided to the Commission regarding 14 the character and nature of the flags that could be 15 displayed? 16 A My understanding was that the Human Relations Commission 17 would manage the flags and the flag poles. And we didn't 18 have to worry. The rest of the city didn't have to worry 19 about it. The rest of City Council, or Mayor, or 20 whatever, we didn't have to worry about it. It was under 21 the authority of the Human Relations Commission. And I 22 was grateful for it. 23 Q Do you recall how many members there were on the 24 Commission at that time? 25 A No. Half of them were appointed by the Mayor and half by □ 8 1 City Council. I think it was, probably, around ten -- 2 ten or twelve. 3 Q Was Russ Gordon a member of that Commission? 4 A At the time, yes. 5 Q Do you know what position he held in terms of the 6 Commission? 7 A As far as I remember, he was Chair. 8 Q Okay. Now, regarding the Commission's authority to what 9 flags would be displayed, is it your testimony that the 10 Commission did not have to request approval by the Mayor 11 of Hamtramck at that time? 12 A The Commission did not have to request approval from the 13 Mayor or from Council on what flags would be flown. And 14 they never did. 15 Q Okay. Do you know a gentleman by the name of Maxwell 16 Garbarino? 17 A Yes, I do. 18 Q And how do you know him? 19 A Max Garbarino served on the police force during my time 20 in office. Served on the police force. Became police 21 chief. 22 Q When you say "time in office," was it when you were on 23 the Council or -- 24 A Both. 25 Q "Both." □ 9 1 A The entire time I served, so 18 years that I served, he 2 was on the police force. He later became police chief. 3 While he was police chief, he was fired. 4 He came back -- I'm not sure what year. '20 -- 5 I don't know. Yeah, I don't remember what year. He came 6 back when Kathy Angerer was city manager, as an assistant 7 to her, and he took various titles. I think the titles 8 changed over time. And eventually became city manager. 9 Q So when he came back as assistant city manager in 2012 -- 10 A Okay. That would -- 11 Q -- the Mayor was -- who was the Mayor? 12 A Well, I was the Mayor. 13 Q You were the Mayor then? 14 A Of course. 15 Q Who was the city manager at that time? 16 A You know what? It should have been Kathy -- I don't 17 know. Kathy Angerer wouldn't have been city manager then 18 in 2012. 19 Honestly, I couldn't tell you. Like, we 20 went -- we went through numerous city managers, as well 21 as, you know, state control. So I couldn't tell you for 22 sure in 2012. 23 Q But you were Mayor? 24 A I was. Absolutely, I was Mayor in 2012. 25 Q Okay. During the entire time that Mr. Garbarino was □ 10 1 affiliated with the City of Hamtramck, do you know if he 2 had any role in deciding what flags to be displaced on 3 the flag poles? 4 A No. He would have had absolutely no role. 5 First of all, as a police officer, he would 6 have had no role. As police chief, he would have had 7 absolutely no role. As assistant city manager or a city 8 manager, no role. 9 There's no administrative role for managing 10 what flags go on the flag poles. There's no authority 11 for the administration, for either the city manager or an 12 assistant city manager, or a police chief to control what 13 flags go on the flag poles. 14 Q And at the time when Mr. Garbarino became assistant 15 manager in 2012, was the policy under the resolution, 16 which is Plaintiff's Exhibit Number 5, was the 17 Commission -- the Human Relations Commission authority 18 regarding decisions regarding what flags would be 19 displayed, was it the same as you previously described, 20 that they had total authority to make those decisions 21 without -- 22 A Yes. 23 Q -- input from either the Mayor or the City Council? 24 A Yes. 25 □ 11 1 (Exhibit 2 was referenced.) 2 BY MR. SUSSELMAN: 3 Q I'm going to show you what's been marked as Plaintiff's 4 Exhibit Number 2. It's identified as Affidavit of 5 Maxwell Garbarino.

6 I'm going to show that to you and ask you have 7 you seen that before? 8 A I have. 9 Q And how did you come to see it? 10 A You provided this to me. 11 Q Okay. How did I provide it to you? 12 A With an e-mail. 13 Q Okay. And did you review it at that time? 14 A I did. 15 Q Could you review it again now? 16 A Certainly. (Witness reviewing document.) 17 I can address specific -- 18 Q Let me ask you questions. 19 A Sure. 20 Q Okay. Look at paragraph 3. Do you agree what is stated 21 in paragraph 3? 22 A I do not. 23 Q And what do you not agree with? 24 A It says that: 25 "The previous Mayor and city □ 12 1 managers over the years generally 2 approved or acquiesced in the flags 3 being flown as long as they were, 4 generally, accepted in the community." 5 There was, to my knowledge, at least one 6 occasion when the City of Hamtramck intervened and 7 prevented the Commission from flying a flag of Serbia 8 while an ongoing conflict was occurring in the region. 9 "Councilmen have at times 10 made me aware of other flag requests 11 they received, which have not been 12 approved." 13 I can address each of those sentences. 14 Q Please. 15 A So the first one that I read, that the City Council, 16 or -- the Mayor or city managers, generally, approved or 17 acquiesced in the flags being flown. 18 We had -- most of the time, the city -- the 19 manager -- well, first of all, the manager would have no 20 control at all over the city flags. There's no authority 21 for that. 22 The Mayor also, no control, but -- and no -- 23 approval was not brought to us. At no time did the 24 Commission ever come to me or to the Council -- I can't 25 speak to the city manager. But at no time did the □ 13 1 Commission ever come and ask permission to fly a certain 2 flag; to fly this flag or another. 3 MR. MEROUEH: Objection to the Council part. 4 She couldn't possibly know if Council was approached or 5 not. 6 BY MR. SUSSELMAN: 7 Q On what do you base that statement? 8 A On the basis that the Council can act only as an official 9 body in -- per the Open Meetings Act in its official 10 capacity in a public meeting. 11 And those -- the discussion of this flag or 12 that flag was never brought up in a public meeting by a 13 City Council member. So I have no reason to believe that 14 they were ever approached. 15 And, certainly, if the Mayor was not 16 approached, in my judgment it would be unlikely that City 17 Council members were approached. 18 Q Could approval or disapproval of a proposal to display a 19 flag be made by one or more City -- 20 A No. 21 Q -- Councils in private? 22 A No. No City Council member can act unilaterally. They 23 can only act as a body in an official proceeding in a 24 publicly posted meeting under the Open Meetings Act. 25 Q Okay. □ 14 1 A So let me go back to this. In terms of acquiescing, the 2 only way in which one could say that the Mayor or city 3 manager acquiesced is that we didn't publicly object. 4 So, you know, when a flag would go up, we might 5 see it. We might be aware of it. Sometimes the 6 Commission would come and report: We put up so many 7 flags this year. The flags are going up on this date. 8 Or they're coming down on this date. And that was the 9 extent to which City Council was involved. City Council 10 and Mayor were involved in the display of flags. 11 The second sentence, "one occasion when the 12 City of Hamtramck intervened and prevented the 13 Commission," absolutely not. The -- once, again, the 14 City of Hamtramck could only act officially in a City 15 Council meeting. That never happened. 16 The flag of Serbia, while an ongoing conflict 17 was occurring. Actually, that was in the early 1990s 18 during the Balkan wars. Not at any time after 2012 when 19 the, you know, when the flag ordinance was in -- or flag 20 resolution was in effect. 21 The City of Hamtramck, once again, never 22 intervened in any way in the flags that were being 23 displayed by the Commission. 24 And: 25 "Councilmen at times made me □ 15 1 aware of other flag requests they've 2 received, which have not been approved." 3 I can't speak to private conversations between 4 City Manager Garbarino and City Council members. But I 5 can say that there have never been flag requests which 6 have either been approved or disapproved because that can 7 only happen officially in an official meeting. 8 So I find that statement very unlikely. And, 9 certainly, it never happened in any kind of official 10 capacity. 11 Q Regarding this question about the Serbian flag. 12 A Um-hmm. 13 Q If there had been an issue regarding that, would the 14 Human Relations Commission have had authority -- 15 A Yes. 16 Q -- on its own to make a decision -- 17 A Yes. 18 Q -- one way or the other regarding that issue? 19 A Yes. 20 Q And it would not necessarily involve the Mayor or the 21 City Council? 22 A Absolutely, would not have. 23 Q Could you look at -- read paragraph 4. 24 A "In June of 2023, in keeping 25 with the City of Hamtramck's history □ 16 1 of monitoring and official intervention 2 of the flag poles passed a resolution 3 more carefully defining." 4 So I object to the first section of that 5 sentence, which is Hamtramck's history of monitoring and 6 occasional intervention. 7 As I've said, the City of Hamtramck never 8 intervened in any flag. 9 And monitoring, I would say



monitoring to the 10 extent that we knew when flags were going up and we knew 11 when they were coming down. And you could drive up 12 Joseph Campau and see what flags were up. But, you know, 13 that's not an official kind of capacity of monitoring. 14 So in the first half of that sentence: 15 "City of Hamtramck has no 16 history of monitoring and intervening 17 in the display of flags on the flag 18 poles until this resolution was passed 19 under the current Council." 20 Q Are you referring to the resolution referred to in 21 paragraph 5? 22 A Yes. Exactly. Right. 23 Q Now, do you have any reason to believe that Mr. Garbarino 24 has personal knowledge of what he states in paragraphs 3 25 and 4 of his affidavit? □ 17 1 A I can't speak to what he may have knowledge of. I can 2 just say that the official record doesn't reflect it at 3 all. And that the only way to act and confirm is through 4 that official record. And the only way the Council can 5 act is through the official record. And that the city 6 manager has no authority to make those decisions. 7 MR. SUSSELMAN: I have no further questions. 8 Thank you. 9 - - 10 EXAMINATION 11 BY MR. MEROUEH: 12 Q Good morning, Mayor. 13 A Good morning. 14 Q Okay. Just a couple of questions. 15 You mentioned that the Council can only act in 16 an "official capacity." Can the Council act in an 17 unofficial capacity ever? 18 A No. 19 Q So Councilmen aren't, generally, approached outside of 20 City Council meetings to effect some sort of change or 21 some sort of result? 22 A Sure. Council and Mayor, any elected official -- 23 Q So -- 24 A -- is approached, but they cannot -- 25 Q So they -- □ 18 1 MR. SUSSELMAN: Could you let her finish her 2 answer? 3 MR. MEROUEH: Excuse me. I'm sorry. 4 MR. SUSSELMAN: No. 5 BY MR. MEROUEH: 6 Q They can't act officially -- 7 MR. SUSSELMAN: No. Let her finish her answer. 8 You interrupted her. 9 MR. MEROUEH: No problem. 10 MR. SUSSELMAN: Finish your answer. 11 A So, of course, you know, public officials are approached 12 all the time, you know, with resident concerns. They can 13 bring those to the whole Council and pass resolutions, 14 change ordinances, et cetera. But that's the only way 15 that they can act, is not unilaterally as one individual, 16 but with the acquiescence of the whole through a vote of 17 the whole Council in a public meeting. 18 BY MR. MEROUEH: 19 Q So Councilmen can't -- or Councilwomen can't be 20 approached by a resident and then use that information to 21 try to effect the change outside the Council meeting by 22 speaking to other officials, is that not possible? 23 A I'm sure that they do, but in the end, any change has to 24 come through the terms of the Open Meetings Act and the 25 terms of the Charter. So -- □ 19 1 Q So, in this case -- 2 I'm sorry. I didn't mean to cut you off. 3 A No. That's fine. 4 Q Okay. So in this case, for example, no Councilman could 5 have a private conversation with Russ or any member of 6 the Human Relations Commission and effect any sort of 7 change? That would not be possible? 8 A They could certainly have a private discussion with 9 any -- with any member of the community, or Commission, 10 or not. And they could, certainly, try to effect policy 11 by -- official policy by an act of Council. And that 12 is -- that is the -- 13 When it comes to something like, you know, this 14 situation, Councilperson could have a discussion with a 15 Commission member. The Commission member could bring 16 that information back to the Commission. The Commission 17 could act, because the Commission has the authority. 18 But the Council member could not, on his own, 19 his or her own, make the change in policy. It has to 20 come through City Council. 21 Whether the Councilperson and the Commissioner 22 might interact with each and, you know, change either 23 others opinion, that's legitimate. 24 But when it comes to official action on behalf 25 of the City of Hamtramck, it can only come as a body of □ 20 1 the whole. 2 Q So could that also apply to city managers as well, having 3 private conversations trying to effect change? 4 A Yes. 5 Q And you mentioned that you never had reason to intervene 6 with the flag flying; correct? 7 A Right. I -- 8 Q And what if, for example, Russ had chosen, or the Human 9 Rights[sic] Relations Commission as a whole had chosen to 10 fly the Nazi flag, would you have allowed that to stand? 11 A "Allowed." I don't think that I would have had the 12 authority to not. 13 Q So you're saying that you would not have intervened? You 14 would have allowed the Nazi flag to fly -- 15 A I'm sorry. 16 Q I'm sorry. You got to let me finish. 17 A So that's -- 18 Q I'm sorry. Let me finish, please. 19 A Okay. Sure. 20 Q So you're saying that you would have allowed the Nazi 21 flag to be raised on Jos. Campau for an indefinite period 22 of time? 23 A That's not what I -- 24 MR. SUSSELMAN: Hold on. Objection. Form and 25 foundation. □ 21 1 BY MR. MEROUEH: 2 Q So, you can answer the question. 3 A Yeah. So that's not what I said. 4 What I said was that I had no authority on my 5 own to intervene. I could certainly have a private 6 discussion with any member of the Human Relations 7 Commission, and the Human Relations Commission could 8 decide on the basis of that, my discussion with

them -- 9 Q If they decided no, would you allow it to continue 10 standing? 11 MR. SUSSELMAN: You're interrupting her again. 12 MR. MEROUEH: I'm sorry. She was done. 13 A Yeah, I was done. 14 MR. MEROUEH: I'm having sort of a conversation 15 here. 16 MR. SUSSELMAN: I know. It's a deposition, not 17 a conversation. 18 MR. MEROUEH: You know, it's both. 19 MR. SUSSELMAN: No, it's not. It's a 20 deposition. 21 MR. MEROUEH: All right. We don't have to 22 discuss semantics. It's okay. 23 BY MR. MEROUEH: 24 Q So as I was saying. You would have -- you said you would 25 have a discussion, a private discussion, and try to ☐ 22 1 effect them to change; correct? 2 And if they chose not to change, they chose to 3 continue flying the Nazi flag, you, as Mayor, would not 4 have done anything further than having a private 5 conversation? 6 A Yes, that's not what I said. That would be the first -- 7 Q What would be the next step then? 8 A The next step would be to agree to have this -- to 9 discuss it as a Council, as a body of the whole in a 10 public meeting. 11 Q Oh. So the Council actually has some authority here. 12 What is that authority? 13 A My authority as Mayor -- 14 Q I'm asking about the Council. 15 A The Council -- the Council and the Mayor make the 16 appointments. 17 Q Yes. 18 A So they can change the terms of the resolution. They can 19 change the appointment. 20 Q So that's what you would have done? You would have asked 21 the Council to change the terms of the resolution or 22 change the appointment -- 23 MR. SUSSELMAN: She didn't say that. She 24 said -- 25 ☐ 23 1 BY MR. MEROUEH: 2 Q -- correct? 3 MR. SUSSELMAN: -- that's what she -- 4 MR. MEROUEH: Mr. Susselman, I'm sorry -- 5 MR. SUSSELMAN: I'm going to object to form 6 foundation. You're misrepresenting what she said. 7 MR. MEROUEH: Well, that's fine. That's an 8 objection. That's what you can do. 9 MR. SUSSELMAN: Yes. 10 A I'm not sure what I would have done specifically in this 11 hypothetical situation, which is highly unlikely. 12 BY MR. MEROUEH: 13 Q It's "highly unlikely" -- I'm sorry. 14 But flying a flag that -- you're saying that 15 they're allowed to fly, whatever flag they want. 16 I'm bringing up a situation for the Nazi flag. 17 MR. SUSSELMAN: You're yelling at the witness. 18 MR. MEROUEH: I'm not yelling. 19 MR. SUSSELMAN: Yeah, you are. 20 MR. MEROUEH: I'm so sorry. 21 MR. SUSSELMAN: Yeah, you are. 22 MR. MEROUEH: Mr. Susselman -- 23 MR. SUSSELMAN: Your voice is elevated. 24 MR. MEROUEH: -- this is the second deposition 25 in a row where you're -- we're having these antics. I'm ☐ 24 1 sorry. At the last deposition, you were unhinged, sir. 2 I'd like you to, please, just calm down. 3 MR. SUSSELMAN: I'm not the one that was 4 unhinged. 5 MR. MEROUEH: We can read the transcript. 6 MR. SUSSELMAN: Yeah. right. 7 MR. MEROUEH: The deposition will speak for 8 itself. 9 MR. SUSSELMAN: Do not yell at the witness. 10 MR. MEROUEH: I'm not yelling. Enough. 11 MR. SUSSELMAN: Lower your voice. 12 MR. MEROUEH: Okay. Whatever you say. 13 BY MR. MEROUEH: 14 Q All right. So back to it. 15 So, I'm not saying just the Nazi flag. Any 16 flag that is of poor taste. That a symbol of an anus, I 17 believe, is a flag that's flown by some. Or the satanic 18 flag. 19 Any of these could have been chosen by 20 Mr. Gordon, the Human Rights[sic] -- the Human Relations 21 Commission and flown. 22 I'm asking what you would have done if that was 23 the case? 24 You said the first step would be to have a 25 private conversation. Second step would be to speak with ☐ 25 1 Council. And your choices would be either to, one, 2 change the terms of the resolution. Or two, change the 3 terms of the appointment. That was the authority that 4 the City Council has; correct? 5 A That is, yes. 6 Q And -- okay. 7 MR. MEROUEH: One second. Just give me a 8 minute. 9 (Pause in proceedings.) 10 BY MR. MEROUEH: 11 Q Could you recall for me the city managers -- the last -- 12 all the city managers while you were Mayor? 13 I'm sorry. Nobody can get this for me, so 14 maybe you can. 15 A Yeah. Yeah. So we started out with Don Crawford. And 16 he was under the very first city manager. 17 Q Okay. 18 A Then we had Bill Cooper. We had Katrina Powell. We had 19 Kyle Tertzag. For a brief moment we had Eric 20 Tungate(ph). 21 Then somewhere in there we ended up with an 22 emergency manager with Cathy Square. Then we had Kathy 23 Angerer. And then Max Garbarino. I hope I didn't miss 24 anybody. 25 Q I'm sure you did because there's so many. ☐ 26 1 I'm impressed, too, because no one's been able 2 to give me that information. 3 I know you have the history background, which 4 is impressive, by the way. Like, it's very interesting. 5 Was there ever any issue between Polish people 6 and Serbians? I'm just wondering about that. As an 7 expert. 8 A Historically? 9 Q She's a historical - 10 A -- in Europe? 11 Q I'm not sure. I was just wondering about that. I tried 12 to do a quick research and couldn't figure it out. 13 A I'm not aware of it. 14 Q All right. See, I'm struggling for questions, that's why 15 I'm pulling these out. 16 MR. MEROUEH: Give me one more second.

17 (Pause in proceedings.) 18 BY MR. MEROUEH: 19 Q What's your relationship with Russ Gordon? How do you 20 know him? 21 A Gosh, I mean, I'm not sure if we met through the 22 Commission or before the Commission. I'm not really sure 23 of how we met. But we're neighbors. We live a block 24 away. You know, this is Hamtramck. And I would consider 25 us friends, you know. Not close friends, but, you know, ☐ 27 1 on friendly terms. 2 Q Interesting. Okay. 3 All right. So we had a chance to relax a 4 little bit and go back to the question. All right. 5 So we discussed it. And, basically, you had 6 said you'd go to the City Council. 7 Would there be anything -- 8 So what would happen, then, after you've gone 9 to City Council, asked them to change the resolution 10 allowing the Human Rights[sic] Commission to handle the 11 flags or changing the appointment? 12 So what would you try to accomplish there? 13 A I would try to make sure that the Human Relations 14 Commission fulfilled the basis for the creation. 15 Q Which was what? 16 A Which is to create and foster understanding and 17 representation. Resolve issues. Resolve intercultural 18 issues. I don't have the -- 19 Q So the Nazi flag, obviously, wouldn't comport to the 20 mission that you just mentioned? 21 A Right. 22 MR. MEROUEH: All right. I don't have anymore 23 questions. 24 25 ☐ 28 1 - - - 2 RE-EXAMINATION 3 BY MR. SUSSELMAN: 4 Q Miss Majewski -- 5 A Um-hmm. See, if you were -- lived in Hamtramck, you 6 would know how to pronounce that. 7 MR. MEROUEH: So I used to get it wrong. I get 8 it right now. 9 A Yeah. You know, it takes a while, but you 10 MR. MEROUEH: Not every name, but I'm getting 11 them -- 12 A Yeah. 13 MR. MEROUEH: Also, my partner, Zach, is 14 Polish, so he helps, you know. 15 A Yeah. 16 MR. SUSSELMAN: Just off the record 17 momentarily. 18 (Discussion held off the record.) 19 BY MR. SUSSELMAN: 20 Q Miss Majewski, what do you understand is the relation 21 between a governmental entity like the City of Hamtramck 22 and the United States Constitution? 23 A Our first obligation is to fulfill the, you know, the 24 mandate of -- and the dictates of the Constitution. To 25 follow the Constitution. ☐ 29 1 We take an oath to that. To follow the 2 Constitution of the United States and the State of 3 Michigan and the Charter of the City of Hamtramck. 4 Q So if the City Council supported a resolution which was 5 contrary to a provision of the Constitution, would that 6 be a legal resolution? 7 A I'm sorry. Would you repeat that? 8 Q If the City Council passed a resolution which was not in 9 conformity, or violated a provision of the United States 10 Constitution, would that be a legal resolution? 11 A No, it would not. 12 MR. MEROUEH: Objection. Calls for a legal 13 conclusion. 14 A In my judgment, it would not. 15 MR. MEROUEH: Which she's not a legal expert. 16 A Right. 17 BY MR. SUSSELMAN: 18 Q And regarding the hypotheticals that opposing counsel 19 offered you: The Nazi flag, a anus flag, et cetera, are 20 you aware of whether any such flag was ever proposed for 21 display by the Human Relations Commission when you were 22 Mayor? At the time you were Mayor? 23 A I'm not aware of any. 24 Q Was such a flag ever displayed while you were Mayor? 25 A No. ☐ 30 1 Q So you're not -- you're not an attorney; correct? 2 A That's correct. 3 Q And you don't claim to be an expert on the First 4 Amendment? 5 A No, I'm not an expert on the First Amendment. I'm 6 familiar with the First Amendment. 7 Q And you're aware that part of the First Amendment is 8 what's called freedom of speech; correct? 9 A Yes. 10 Q Do you know whether or not -- let's say they had 11 displayed, or proposed to display the Nazi flag. 12 Do you know whether the City Council would have 13 had the authority under the Constitution -- 14 MR. MEROUEH: Objection. Calls for a legal 15 conclusion. 16 BY MR. SUSSELMAN: 17 Q Do you know, subject to that, do you know one way or the 18 other whether that passage of a resolution prohibiting 19 the display of a Nazi flag would have been in conformity 20 with or contrary to the First Amendment? 21 MR. MEROUEH: Objection. Calls for a legal 22 conclusion. It's the second time you asked the question. 23 A Yeah. I don't know. I know that it's a tricky question 24 because I was a member of the ACLU in, what, the early 25 '70s when the question came up about Nazis marching in ☐ 31 1 Skokie. I supported the ACLU's decision to defend that 2 march and followed that discussion. 3 So I understand. Especially in -- on this 4 specific question of, you know, Nazi, you know, presence. 5 Provocative -- willfully provocative presence. 6 I understand that that's a contested First 7 Amendment issue. I have no -- 8 And so that's as much as I can say about it. 9 That I understand that there are arguments on either side 10 of, you know, whether that right is protected or not. 11 BY MR. SUSSELMAN: 12 Q And, so, do you recall what the position of the ACLU was 13 regarding the right of the Nazis to march in Skokie? 14 A Yes. The ACLU's position was they had the right to 15 march. 16 Q Do you know what the final decision was? Do you recall 17 what it was? 18 A I believe that the ACLU's position was upheld, but I 19 can't



remember for sure. 20 Q It was. 21 MR. SUSSELMAN: I have no further questions. 22 - - - 23 RE-EXAMINATION 24 BY MR. MEROUEH: 25 Q Would you agree that marching Nazis on the street is ☐ 32 1 distinguished from the Nazi flag being raised on city 2 flag poles? 3 A I think I couldn't make a judgment on that, but I would 4 say that they're related. That the question is at least 5 related. 6 Q So you think that protestors -- well, you didn't say 7 that. Okay. 8 When we previously chatted -- actually, Counsel 9 asked you the question about it. I just want to confirm. 10 The City Council, you're saying, retains the 11 right to modify the resolution regarding the pride flag, 12 that 2013 resolution you saw? 13 A It's a City Council resolution so they can -- yes, they 14 can change that resolution, modify that resolution, 15 nullify that resolution. 16 Q Okay. And when someone -- so when you have a 17 resolution -- the City Council passes a resolution. If 18 an appointee of the City Council and Mayor refuses to 19 follow the resolution that's passed, is that acceptable? 20 MR. SUSSELMAN: Object as to form and 21 foundation. You can answer. 22 A The question is that -- is whether the -- where the 23 rights under the Constitution and whether -- butt up 24 against the authority of the Council. 25 ☐ 33 1 BY MR. MEROUEH: 2 Q Right. So let's set that aside. 3 Let's assume for this question that it's 4 constitutionally -- that there's no Constitutional issue 5 with taking action. What would the action be if someone 6 violated, or refused to abide by a resolution passed by 7 the City Council and Mayor? 8 A The Council and Mayor would have the authority to decide 9 how they wanted to deal with it. 10 Q Very good. 11 A It wouldn't necessarily -- yeah. 12 Q And -- 13 MR. MEROUEH: Can we take three minutes? 14 MR. SUSSELMAN: Sure. 15 (Short recess.) 16 - - - 17 BY MR. MEROUEH: 18 Q I just, actually, have one last question. 19 I guess, the only thing that sticks in my mind, 20 Russ had mentioned, I think, in his affidavit, or in his 21 Complaint, I can't sort it out right now, that he once 22 denied the flying of the Serbian flag. 23 Did you have knowledge of that? Or do you know 24 anything about that? 25 A I think that Russ may have mentioned it to me after the ☐ 34 1 fact. But that was a decision of the entire Commission. 2 Q Okay. So that was -- 3 A I don't even know -- 4 Q You found out about it after? 5 A Right. 6 Q That's all I want to know. 7 MR. MEROUEH: Okay. I think I'm done. 8 MR. SUSSELMAN: Just one redirect. 9 - - - 10 RE-EXAMINATION 11 BY MR. SUSSELMAN: 12 Q You were asked, putting aside the question of 13 Constitutionality under the United States Constitution, 14 if the City Council passed a resolution and it was 15 disobeyed by an appointee of the city, would the City 16 Council have authority to take some form of action 17 against that appointee for violating the resolution? 18 Assuming it did not -- putting aside the 19 question of Constitutionality, contrary-wise, not putting 20 aside that assumption, if the resolution did, in fact, 21 violate the United States Constitution, would the City 22 Council have authority, legal authority to penalize or 23 punish an appointee who violated the resolution which 24 violated the Constitution? 25 MR. MEROUEH: Again, calls for a legal ☐ 35 1 conclusion. 2 MR. SUSSELMAN: You asked her for a legal 3 conclusion. 4 A In my judgment, no, the Council would not have the 5 authority to take any action that violates the United 6 States Constitution. 7 MR. SUSSELMAN: Thank you. I have no further 8 questions. 9 MR. MEROUEH: I'm done too. 10 MR. SUSSELMAN: Thank you. 11 (Concluded at 11:05 a.m.) 12 - - - 13 14 15 16 17 18 19 20 21 22 23 24 25 ☐ 36 1 STATE OF MICHIGAN ) ) SS. 2 COUNTY OF WAYNE ) 3 CERTIFICATE OF NOTARY PUBLIC 4 I, Sharon Julian, a duly commissioned and qualified Notary Public for the County of Wayne, State of 5 Michigan, do hereby certify that the witness, whose attached testimony was taken by me in the entitled cause 6 on Tuesday, March 26, 2024, was by me first duly sworn to testify the whole truth in the aforesaid cause, that the 7 testimony contained herein was taken down by me in machine shorthand, transcribed upon a computer under my 8 personal supervision, and is a true and correct transcript of the whole of the testimony given by said 9 witness. 10 I do further certify that I am not connected by blood or marriage with any of the parties or their 11 attorneys; that I am not an employee of any of them nor interested directly or indirectly in the matter in 12 controversy, as counsel, attorney, or otherwise. 13 IN WITNESS WHEREOF, I have hereunto set my hand 14 at Dearborn, County of Wayne, State of Michigan, this 9th 15 day of April, 2024. 16 17 \_\_\_\_\_ 18 Sharon Julian, CSR-3915 Certified Shorthand Reporter 19 Registered Professional Reporter Notary Public, Wayne County, Michigan 20 My Commission expires: January 21, 2027 21 - - - 22 23 24 25 ☐



## **EXHIBIT 21**

**Russell Gordon**

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

Case No. 23-12812

RUSS GORDON and CATHY STACKPOOLE,

Plaintiffs,

Hon. David Lawson

vs.

THE CITY OF HAMTRAMCK, THE HAMTRAMCK  
CITY COUNCIL, and MAYOR AMER GHALIB  
in his official capacity, only.

Defendants.

\_\_\_\_\_ /

The Deposition of RUSSELL DEAN GORDON, a  
Plaintiff herein, taken pursuant to Notice of Taking  
Deposition before Sharon Julian, CSR-3915, Registered  
Professional Reporter and Notary Public in the County of  
Wayne, State of Michigan, at 3401 Evaline Street,  
Hamtramck, Michigan, on Tuesday, April 16, 2024,  
commencing at about 11:05 a.m.

APPEARANCES:

MARC M. SUSSELMAN, ESQ. P29481  
43834 Brandywyne Road  
Canton, Michigan 48187  
734-416-5186  
marcsusselman@gmail.com

For Plaintiffs.

ODEY MEROUEH, ESQ. P76460  
Meroueh & Hallman, LLP  
14339 Ford Road  
Dearborn, Michigan 48126  
313-582-7469

okm@mhatlaw.com

For Defendants.

PRESENT: Alex Lagrou - Law Clerk

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2 WITNESS: RUSSELL DEAN GORDON PAGE

3 Examination By Mr. Susselman 3

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6 EXHIBITS

7 (Attached/Scanned)

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10 16	Spreadsheet Depicting Flags	28
11	Prepared by Russell Gordon	
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1 I'll clarify it.

2 A Okay.

3 Q If you answer the question, I'll assume that you

4 understood it.

5 A Okay.

6 Q From time to time there may be some objections from

7 opposing counsel, but not likely since you're a

8 Defendant -- you're the Plaintiff in this case.

9 But in any case, you still have to answer the

10 question unless it's protected by attorney-client

11 privilege, which it can't be because he's not your

12 attorney.

13 A Okay.

14 Q So I'd like some information about your background.

15 About your educational background.

16 A Um-hmm.

17 Q Can you just tell us about your educational background?

18 A Okay. I took one year of graduate school. So I've got

19 a -- I've got an undergraduate degree in --

20 Q From where?

21 A Which? The undergraduate?

22 Q Undergraduate.

23 A Undergraduate was from Webster University in St. Louis.

24 A math degree; a teaching certificate there.

25 And then I had one year of applied math and

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1 Hamtramck, Michigan

2 Tuesday, April 16, 2024

3 About 11:05 a.m.

4 ---

5 RUSSELL DEAN GORDON,

6 a Plaintiff herein, having been first duly sworn,

7 testified as follows:

8 EXAMINATION

9 BY MR. SUSSELMAN:

10 Q Please state your name for the record.

11 A Russ Gordon.

12 MR. SUSSELMAN: Let the record reflect that

13 this deposition is being taken pursuant to Notice and may

14 be used for every purpose permissible under the Michigan

15 Court Rules and Michigan Rules of Evidence.

16 BY MR. SUSSELMAN:

17 Q Have you ever been deposed, Mr. Gordon?

18 A I don't remember ever having been, but --

19 Q So these are some ground rules.

20 A Um-hmm.

21 Q All your answers should be given verbally. Not gestures

22 or a nod of the head.

23 A Okay.

24 Q I will ask you a series of questions. If you don't

25 understand the question, let me know and I'll try and

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1 computer science at Washington University, St. Louis.

2 MR. MEROUEH: Oh, that's where I went.

3 THE WITNESS: Oh, you did?

4 MR. MEROUEH: Yeah.

5 THE WITNESS: You lived in St. Louis?

6 MR. MEROUEH: Yeah. I'm sorry.

7 THE WITNESS: We got to talk about that, yeah.

8 I spent 25 years there.

9 MR. MEROUEH: Three for me.

10 BY MR. SUSSELMAN:

11 Q So you had one year of postgraduate education at

12 Washington University?

13 A Yes.

14 Q Was it applied mathematics?

15 A Applied math and computer science.

16 Q But you didn't finish getting the master's?

17 A I ran out of money.

18 Q Okay. Did you --

19 A So I went into real estate after that. I started buying.

20 Q So you went into real estate. Did you have a real

21 estate --

22 A Real estate development.

23 Q -- license?

24 A Well, we did so, but we were developers. I had a

25 redevelopment company. We had a crew of 13 guys.

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- 1 **Q What year did you start -- what year was that?**  
 2 A Oh. So I graduated from undergraduate school in '71. So  
 3 that would have had to have been, like, '73, probably.  
 4 **Q And was it development? Real estate development?**  
 5 A Real estate development, yeah. Redevelopment, actually.  
 6 We were buying 19th Century homes and restoring them. We  
 7 did pretty good.  
 8 **Q And did you have any subsequent employment?**  
 9 A Yeah. Well, I mean, actually, during that -- yeah. I --  
 10 **Q To the best of your recollection.**  
 11 A Well, yeah. No. Subsequent --  
 12 I mean, I almost got to take a step back. When  
 13 I was a young kid --  
 14 **Q Yes.**  
 15 A -- I learned how to wind electric motors. I had a summer  
 16 job when I was, like, 15 years old. Less than that.  
 17 Thirteen.  
 18 And I learned how to wind electric motors,  
 19 which gave me some freedom. So I left home at 15 when  
 20 I --  
 21 **Q When you say "wind" up, I'm not familiar with the**  
 22 **terminology. What do you mean, "wind" up?**  
 23 A Oh, okay. You know what an electric motor is?  
 24 **Q I know sort of, yeah.**  
 25 A Okay. It's got a shaft at the end that turns --

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- 1 **Q Okay.**  
 2 A -- and you put wires --  
 3 **Q Okay.**  
 4 A In any case, inside the motor there's windings. The  
 5 windings, when you energize them, they generate magnetic  
 6 flux, which attracts -- in the case of an AC three-phase  
 7 motor, it attracts copper bars in the rotor and it  
 8 generates rotation.  
 9 The windings is what I learned how to replace,  
 10 design, install. So I pretty much could get a job  
 11 anywhere back then.  
 12 **Q Okay.**  
 13 A And did.  
 14 So at any rate, later on in St. Louis I was  
 15 buying and selling electrical equipment there. Motors  
 16 and stuff, as well.  
 17 In addition, that -- that was probably -- gosh.  
 18 It's hard to put dates on it, but during that period.  
 19 And then after that when -- I did -- for about  
 20 15 years I was redeveloping them. We did real good. We  
 21 won awards for what we did. We did the best work in  
 22 St. Louis.  
 23 I had a bunch of properties at that point.  
 24 This one big property we were going to develop. And my  
 25 dad, who was still up in Detroit here, he got sick and I

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- 1 sold everything off and came up here and started an  
 2 electric equipment business up here.  
 3 **Q Where were you living at that time?**  
 4 A When? Before?  
 5 **Q When you came --**  
 6 A Before I left? I had a big, big Victorian house in  
 7 St. Louis and had two daughters --  
 8 **Q No. After you came --**  
 9 A Huh?  
 10 **Q After you left St. Louis and came to --**  
 11 A Well, I was going back and forth every week for a long  
 12 time. And at first I was sleeping on a sofa in my dad  
 13 and step mom's apartment.  
 14 **Q Okay.**  
 15 A And, eventually, I formed -- I formed a company called  
 16 Torque Electric. And we were buying and selling  
 17 industrial electrical motors.  
 18 And then I had an apartment in Harbortown on  
 19 the river for, probably, close to five years, maybe.  
 20 **Q Okay.**  
 21 A But I hated it. It was a compound. Reminded me of  
 22 Korea.  
 23 And so I started looking for a neighborhood.  
 24 Found Hamtramck and I never looked back. I've been here  
 25 30 years now.

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- 1 **Q What year did you move to Hamtramck?**  
 2 A You asked me a tough question.  
 3 **Q Well, you've been here for 30 years.**  
 4 A Okay. So subtract 30 --  
 5 **Q So subtract 30 from 2000[sic] --**  
 6 A Huh?  
 7 **Q -- would be 1994?**  
 8 A That sounds about -- is that right?  
 9 Yeah. Sure. Okay. Yep, there you go.  
 10 You answered my question for me. I love it.  
 11 Is that legitimate? Okay.  
 12 **Q For that it is, but not for anything else.**  
 13 A All right.  
 14 MR. MEROUEH: I will object. I mean, for a  
 15 fellow alum --  
 16 BY MR. SUSSELMAN:  
 17 **Q What kind of work were you doing when you lived in**  
 18 **Hamtramck? When you started living in Hamtramck in 1994?**  
 19 A Oh, I told you, I had a --  
 20 **Q Started that business?**  
 21 A -- electrical equipment business.  
 22 **Q Okay.**  
 23 A And --  
 24 **Q Do you still have that business?**  
 25 A No. I sold it.

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1 Again, my dad was sick. He had a business up  
 2 here, J. Berg Corporation. They were pretty big. Was  
 3 electrical equipment as well.  
 4 And he was not in great health and he had some  
 5 issues with some transformers. It's a long story.  
 6 But in any case, he was not in good health and  
 7 his business was going to seed and I was helping him. I  
 8 was absorbing equipment, personnel. And he decided to  
 9 retire. And within a week he was dead. And so it was a  
 10 nightmare.  
 11 You know, I don't know. I talk bad about  
 12 lawyers every now and then, but bankers are below them.  
 13 I mean, bankers are assholes.  
 14 THE WITNESS: And, I'm sorry. I don't know if  
 15 you can type that in there or not.  
 16 A But they are. I swear to God, the --  
 17 BY MR. SUSSELMAN:  
 18 Q I'll judge --  
 19 A -- day after my dad died, I got visited by a new guy  
 20 from -- it was Michigan National, I think, was the bank.  
 21 And he owed them a million dollars. He had a lot of  
 22 assets, but he still owed them a million dollars.  
 23 And the guy that we normally dealt with there,  
 24 I never heard from him again. It was this other guy.  
 25 His job was to see that they shut the loan down and they

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1 got their money back.  
 2 And I said, "I'll take care of you." And, so,  
 3 it was hell for, gosh, probably about three years there.  
 4 I was doing everything I can. I kept his business out of  
 5 bankruptcy.  
 6 Q Okay.  
 7 A We bought down that million-dollar loan, but it wiped out  
 8 my company too. So I wound up liquidating a lot of  
 9 stuff.  
 10 Formed a partnership with a guy down in  
 11 Melvindale, and got -- I mean, I can -- it was tough for  
 12 years.  
 13 From there -- that guy was a jerk, and,  
 14 eventually, we -- I couldn't -- partnerships -- I'm not  
 15 good with partnerships.  
 16 Q Okay.  
 17 A Okay. I got to call the shots. And this guy, I guess,  
 18 he was the same way. So we never got along.  
 19 So, then, what I did was I found a guy out  
 20 in -- Grand River and Eight Mile Road. He had a -- I've  
 21 known him for years, actually. And I, actually, sold our  
 22 dynamometer to him years ago when my dad was getting sick  
 23 and we were liquidating stuff.  
 24 And, so, I talked to him. And I took a few of  
 25 my guys and we went out to his place -- Farmington Hills,

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1 that's where it was. And we set up shop there.  
 2 We -- we were building controls for dynamometer  
 3 systems for him and servicing other customers of ours.  
 4 And did okay until he went belly-up. And his lawyer said  
 5 we have to terminate our relationship.  
 6 So at that point, I was servicing a lot of  
 7 Meidensha customers through him. He had -- he had  
 8 brought Meidensha to the country.  
 9 Q What's Meidensha? I'm sorry.  
 10 A It's a large Japanese corporation.  
 11 Q Okay.  
 12 A And they -- they do a lot of different things.  
 13 Everything from wind turbines to dynamometers, which is  
 14 what we -- that we were involved with. Dynamometers look  
 15 like a motor. They measure torque, rotating force. So  
 16 that's -- so they're big with the auto manufacturers,  
 17 which that's where we are; right?  
 18 Q Um-hmm.  
 19 A So when he went belly-up, I took -- I found jobs for the,  
 20 guys, except for me and -- myself and John Sulowski(ph).  
 21 And one of the fellows that -- he was the guy  
 22 that --  
 23 THE WITNESS: Excuse me. My throat's getting  
 24 scratchy.  
 25 A He was -- he had built dynamometer controls for us for

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1 years.  
 2 THE WITNESS: Oh, you're an angel. Thank you.  
 3 I won't tell anybody, though.  
 4 MR. SUSSELMAN: Let the record reflect that the  
 5 Co-Defendant just handed Mr. Gordon a bottle of water.  
 6 THE WITNESS: Okay. Thank you.  
 7 A So at any rate, so John and I, we took my little red  
 8 Explorer, we loaded it up with tools and we'd service  
 9 these dynamometer manufacturers all over North America.  
 10 BY MR. SUSSELMAN:  
 11 Q Okay.  
 12 A From Canada to Mexico.  
 13 MR. MEROUEH: You mean Co-Plaintiff.  
 14 MR. SUSSELMAN: Did I say --  
 15 MR. MEROUEH: Yeah, you did.  
 16 MR. SUSSELMAN: Co-Plaintiff. Sorry.  
 17 MR. MEROUEH: Just for the record.  
 18 A And so we did that for quite a few years. Actually,  
 19 we're still doing it. The company grew. Our  
 20 relationship with Meidensha grew.  
 21 And when Meidensha decided to bring their own  
 22 people over from Japan to set up a company to do what we  
 23 were doing, they couldn't do the shop repairs, but they  
 24 could do the field service. But they wanted our help.  
 25 So, in effect, we were still doing it.

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1 BY MR. SUSSELMAN:

2 **Q Okay.**

3 A And I had formed Franklin Control Corporation in the  
4 '90s. And it turned into Franklin Electric, and that's  
5 where we are now.

6 **Q Okay.**

7 A And Franklin Electric, we have a shop in Garden City. We  
8 repair motor and dynamometers. We have -- and we have  
9 guys out in the field go everywhere. We got three  
10 customers in Mexico and a few in Canada. All over the  
11 U.S. Mostly in the eastern part of the U.S. Midwest.

12 **Q So you've lived in Hamtramck since 1994?**

13 A Yes.

14 **Q Okay. Have you held any appointed office in the  
15 administration of Hamtramck?**

16 A "Appointed office?" Well, the Chair of the Human  
17 Relations Commission.

18 **Q And --**

19 A I'm sorry.

20 **Q When did that occur?**

21 A It was about 15 years ago, I guess. It was during Karen  
22 Majewski's administration. And she knew, you know,  
23 we -- I was heavily involved in the community.

24 We would organize neighborhood barbecues. And  
25 we saved the Post Office when it was getting ready to

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1 close. We did a lot of stuff.

2 And she recognized that I was involved with  
3 people, and she asked me if I would join the Human  
4 Relations Commission. And I said --

5 **Q What is the Human Relations Commission?**

6 A It was supposed to be a 12-person Commission. Although,  
7 I don't remember us ever having 12 people.

8 THE WITNESS: Boy, I'm sorry.

9 MR. SUSSELMAN: Do you want to take a break?

10 THE WITNESS: No. It's okay. This is a  
11 lifesaver, though, I'll tell you what.

12 A So Human Relations Commission is a Hamtramck Commission  
13 whose purpose is to, in many aspects, further the  
14 interests of Citizens of Hamtramck.

15 And we -- yeah. So that was -- I was appointed  
16 to that.

17 And then within a few years the former Chair  
18 was -- left the Commission and I took over as Chairman.

19 BY MR. SUSSELMAN:

20 **Q What were your responsibilities as Chairperson?**

21 A Well, really, to chair meetings and create agendas,  
22 recruit members. But that was tough because nobody  
23 really wanted to do it. It's not a glamorous job.

24 **Q I'm going to show you what's been previously marked as  
25 Plaintiff's Exhibit Number 5. Do you recognize that**

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1 **document?**

2 A Yes.

3 **Q And could you tell us what it is?**

4 A Yeah. It was the -- back in 2013 we negotiated with the  
5 city. Two of our members -- it was almost simultaneous,  
6 recognized that there were 18 flag poles in disuse on  
7 Joseph Campau. They were not in great shape. You didn't  
8 even notice them. I mean, they were next to light poles  
9 and power poles. They'd gone unnoticed for years.

10 And we said, well, heck, this is a Human  
11 Relations Commission. We're -- we would like to  
12 celebrate the humans in Hamtramck. So let's go to the  
13 City Council and try to get a resolution together so that  
14 we can raise flags to represent different people in  
15 Hamtramck.

16 And, boy, everybody -- that was unanimous.  
17 Unanimous. Everybody thought that was a great idea.

18 And, then, we went to work to try to make it  
19 happen. So we did negotiate with City Council.

20 And, for the most part, City Council was pretty  
21 positive about it. We had -- we had one of the Council  
22 people was negative. He wanted us to put all American  
23 flags, and we jockeyed around with him a bit.

24 And, eventually, we negotiated a resolution.

25 And it was passed. And we were authorized, then, to

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1 repair the poles that were damaged and to solicit funds  
2 to do it, which we were pretty successful in doing.

3 A reasonable amount of that came out of my  
4 pocket, at least initially, and then later on as well.

5 But we were able to restore the poles and then  
6 purchase the flags and put them up. The first year I  
7 know -- well, okay.

8 **Q As you read the resolution -- as you read the resolution,  
9 did it place any limitations or restrictions on what  
10 flags would be displayed?**

11 A No. We never -- we never --

12 **Q Were you ever given directions or told how to select the  
13 flags by anybody on the City Council or by the Mayor?**

14 A No. No. Not until recently, no.

15 **Q Right. How did you --**

16 **Well, how was the decision made as to what  
17 flags --**

18 A Okay.

19 **Q -- would be displayed?**

20 A Well, the first year was different than all the rest.

21 **Q And the first year being? Would be --**

22 A 2013.

23 **Q -- 2013?**

24 A Um-hmm.

25 **Q Okay.**

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1 A We said we wanted to find out folks who were living here,  
2 where they came from. Okay? So we did a -- we got a  
3 copy of the Census tract from the previous Census. And  
4 we, actually, found out -- this really surprised me.  
5 There was a sizable number of Ethiopians living in  
6 Hamtramck. We put up the Ethiopian flag. And that's how  
7 we did the first year.

8 We did -- we put up American flags according to  
9 U.S. flag protocol, which is looking at the flags -- the  
10 American flag's got to be at the left, or somewhere else  
11 and higher, but it's got to be on the left.

12 So on Caniff on the west side of the street the  
13 American flag was there, along with the POW flag. And,  
14 then, on the east side of the street, the American flag  
15 was all the way up on the north end of the street.

16 **Q So two American flags?**

17 A Two American flags. The other 16 flags were -- at that  
18 point, all flags of -- that we derived looking at the  
19 Census.

20 And, then, after that, it had been -- it had  
21 been my -- I mean, we talked about this. And I, you  
22 know --

23 **Q "We" being who?**

24 A Well, myself, and I know -- Samir, I think. You know, a  
25 couple of us. We just --

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1 requests from people on the street. And it was,  
2 literally, people on the street.

3 Every year, I, myself, my 14-foot stepladder, I  
4 mean, I put flags up and down every year.

5 **Q When --**

6 A At least several times.

7 **Q When were the flags --**

8 A They --

9 **Q When were the flags first displayed during the calendar  
10 year? Was there a specific time?**

11 A It was in the spring. Yeah, usually by Memorial Day.

12 **Q And how long would they stay up?**

13 A Until fall. After Labor Day. They'd always be up for  
14 the Labor Day parade.

15 So I'd be up on the ladder, and for some reason  
16 nobody ever talked to me when I was on the ground, I'm  
17 always up on the damn ladder. Okay? I'm 12 feet off the  
18 ground hooking up this flag and somebody, "Hey."

19 And I said, "What?"

20 They'll say, "What about my flag?"

21 "What's your flag?"

22 "Jamaica."

23 And I'd say, "Okay. We'll talk about it.

24 We'll put it up next year."

25 And that was flag selection after the first

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1 **Q All members of the Commission?**

2 A Yeah, members of the Commission.

3 We decided -- I, primarily, did not want  
4 politicians involved in flag selection at all. I saw  
5 where it could go. And as soon as you get politicians  
6 involved in something like this, you got folks coming out  
7 of the woodwork that want things and lose control of the  
8 project.

9 And we, with this resolution, had control of  
10 the project. And we were making all the flag selections.  
11 And we did through all those years until the end.

12 And I think our decision to keep politicians  
13 out of the process was vindicated by what happened in the  
14 end.

15 **Q We'll get to that.**

16 A All right.

17 **Q Don't jump ahead. So the first year was based,  
18 primarily, on Census demographics --**

19 A Correct.

20 **Q -- of the national origins of residents of Hamtramck?**

21 A Correct.

22 **Q Did that change over time?**

23 A I guess. I can't ever remember looking at another Census  
24 tract after that. That was -- that got us started.

25 After that, what drove flag selection was

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1 year.

2 **Q By requests of people on the street?**

3 A That's how it happened, yeah. We had certain basic flags  
4 that we kept up all the time. The American flag,  
5 obviously. Bosnia. Yemen. Bangladesh. Poland. There  
6 were -- there were at least a half dozen that were up all  
7 the time.

8 And, you know, I -- and the rest of them, there  
9 were options. So if somebody asked, we'd take the ones  
10 that, maybe, had the least participants and -- or the  
11 least representation, and we'd take those down and put  
12 others up.

13 **Q Did the city ever make any financial contributions to  
14 either the purchase of the flags --**

15 A Zero.

16 **Q -- or --**

17 A Zero. Wait a minute. Let me correct that.

18 Because the only time they did was when --  
19 there's a busboy from Main Street who --

20 **Q Main Street is?**

21 A Main Street Restaurant on Joseph Campau.

22 **Q Okay.**

23 A And he was turning the corner and ran into the light pole  
24 in the front of the -- or, not the light pole, but the  
25 flag pole in front of the --

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- 1 **Q When you say "turned the corner," he was in a car? In a**  
 2 **vehicle?**  
 3 A Yeah, he was in a car. Yeah, he turned the corner off of  
 4 Caniff onto Joseph Campau and ran over the curb and hit  
 5 the flag pole and took it down. It laid dead. Did some  
 6 damage to the bank building. And the city paid for that.  
 7 **Q For the flag pole?**  
 8 A Um-hmm.  
 9 **Q So reinstalled the -- or repaired the flag pole?**  
 10 A Right.  
 11 **Q Did they ever contribute money to purchase the flags?**  
 12 A No.  
 13 **Q Where did that money come from?**  
 14 A We -- if you go out and look at the flag poles, you'll  
 15 see plaques on the poles. The -- there's some bigger  
 16 plaques that go all the way back to 2013. Those are --  
 17 the -- those are -- they -- these poles were restored --  
 18 I don't remember the exact wording, but what it  
 19 was, they gave -- it was an advertisement for the -- most  
 20 of them were businesses on Joseph Campau and Conant. We  
 21 had a bunch of businesses on Conant that contributed as  
 22 well. And they each put in --  
 23 Cripe sakes. I don't remember what the hell --  
 24 I don't remember. There was a fixed amount, whatever it  
 25 was. They put up that amount and they get a plaque on a

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- 1 pole.  
 2 And that made it -- because it's promoting  
 3 their business, it's an advertisement, so they could  
 4 write it off as an advertisement from their taxes. And  
 5 we collected the money to restore the poles.  
 6 After that, to buy the flags, we did the same  
 7 thing every year. The flags, they don't last real well.  
 8 For six months, that's about it. That's why we put them  
 9 up in the spring and take them down in the fall and the  
 10 wintertime.  
 11 I don't really want to get up there and replace  
 12 tattered flags, so they're down. So every year we have  
 13 to replace most, if not all, of them. All the flags, not  
 14 the American flags, but the ones that represent other  
 15 countries, or organizations, or whatever, they pretty  
 16 much have to -- have to be replaced. So we do --  
 17 **Q You indicated --**  
 18 A I'm sorry.  
 19 **Q -- you had to use a ladder to elevate the flags and you**  
 20 **would climb up on the ladder?**  
 21 A Yeah. Because the cleats are up about 12 feet off the  
 22 ground, so I'm on a 14-foot ladder.  
 23 **Q Did the city pay for the ladder?**  
 24 A No. It's my ladder. It's in my garage.  
 25 **Q Any other tools? Did you use any other tools?**

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- 1 A The city didn't do a damn thing. Okay.  
 2 They gave us -- they gave us the authorization  
 3 to run the flag pole prior to, and we did it.  
 4 **Q Okay.**  
 5 A We asked for nothing else. I didn't want anything else.  
 6 I wanted no politician to have control over what we're  
 7 doing because exactly what happened would have happened  
 8 12 years ago. Okay?  
 9 **Q Okay.**  
 10 A And what we did was right and it worked. And it worked  
 11 well. People were proud.  
 12 You know, I digress a little bit. But,  
 13 honestly, you know, I've told this story a thousand  
 14 times. And I don't know if I told you guys or not.  
 15 But the thing that keeps driving me -- I mean,  
 16 it's not easy to put these flags up and down. And it's a  
 17 pain in the ass to solicit money from people. Although  
 18 we tend to get the same people. They're dependable.  
 19 But I picture this little family flying in to  
 20 Metro Airport. And they've got family in Hamtramck that  
 21 are picking them up because, you know, they're going to  
 22 stay with them temporarily.  
 23 And it's just a little family. Could be from  
 24 anywhere. Yemen. Poland. Macedonia. It doesn't  
 25 matter. And they got this one little kid, and he doesn't

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- 1 speak a word of English. We all look really strange to  
 2 him. We talk funny. He doesn't know what's going to  
 3 happen to him. He's scared to death. Nobody's talking  
 4 to him because you know adults are talking to each other.  
 5 The kid doesn't know what's going to happen. Where he's  
 6 going. It's literally foreign.  
 7 And he comes in to Hamtramck. He looks around.  
 8 It's just -- again, it's unusual. It's not his life.  
 9 It's not what he's used to.  
 10 He drives down Joseph Campau. Sees his flag up  
 11 there. He smiles. He's home. And he's all right  
 12 because he knows he's accepted. Okay?  
 13 That's what drives me, that little kid. And I  
 14 feel like, you know, I've let him down here. I want to  
 15 get those damn flags back up. All of them.  
 16 **Q We'll get to that.**  
 17 A All right.  
 18 **Q So what other kinds of flags did people request that you**  
 19 **displayed?**  
 20 A Well, the very --  
 21 **Q Were they always of countries?**  
 22 A No, not always. The very first year -- I think I told  
 23 you about this the other day -- we had a big ceremony for  
 24 raising the flags the first year.  
 25 We had a -- we had a -- we had a Color Guard

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1 out there. We, actually, had the Color Guard. There  
 2 were trumpets and stuff. It was cool.  
 3 And we had dancers from different countries.  
 4 We had dancers. I think we had dancers from Bangladesh.  
 5 We had dancers from Poland.  
 6 THE WITNESS: Do you remember this at all?  
 7 MS. STACKPOOLE: Vaguely.  
 8 THE WITNESS: Okay.  
 9 A Well, at any rate, we did this on the street in front of  
 10 Main Street Restaurant on Joseph Campau. And I had this  
 11 little box I was standing on so I could talk so I could  
 12 see over -- there was a bunch of folks out there. And  
 13 there were several tables of people. You know where Main  
 14 Street Restaurant is? And you know the enclosed area  
 15 they put tables out in the summertime?  
 16 Okay. Well, there were folks sitting at those  
 17 tables. And I finished speaking, and the flags started  
 18 raising. We had it orchestrated so they'd raise one  
 19 after the other. It was kind of cool.  
 20 But right after I finished talking, one woman  
 21 at the table says -- this is -- I can't tell you how many  
 22 times I have heard this phrase: "What about my flag?"  
 23 I said, "What's your flag?"  
 24 She says, "Sicily."  
 25 I said, "Sicily." Which, by the way, is not a

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1 country.  
 2 And I said, "Sicily. Who in Hamtramck's from  
 3 Sicily?"  
 4 She said, "I am."  
 5 And a couple other people from the same table  
 6 said, "I am."  
 7 I said, "Okay."  
 8 Well, at that point I said, "I'll talk to  
 9 commissioners and we'll put it up next year. And we did.  
 10 BY MR. SUSSELMAN:  
 11 **Q So it was just the Commissioners that made that decision?**  
 12 A Yeah.  
 13 **Q You didn't have to consult the Mayor or the City Council?**  
 14 A No, we didn't -- no. We never consulted anybody. It was  
 15 always in the house.  
 16 **Q Okay.**  
 17 A It was always at the request of a citizen and it was  
 18 always in the house. We never asked anybody. I --  
 19 **Q Did you display the Sicilian flag?**  
 20 A Oh, absolutely.  
 21 THE WITNESS: Do you know what it looks like?  
 22 BY MR. SUSSELMAN:  
 23 **Q This is a deposition. You don't --**  
 24 A Okay.  
 25 **Q We ask you questions.**

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1 A Okay. I can describe it though; right?  
 2 **Q You can describe it if you --**  
 3 A Okay. Okay. I mean, it's cool.  
 4 What it is, it's -- Sicily is an island with  
 5 three points. Okay. So what they got -- the flag  
 6 itself, the head of Medusa is in the center of the flag  
 7 with -- but it's a woman's face and three legs of a woman  
 8 coming out. I mean, it's just -- I couldn't believe it  
 9 when I saw the flag. She showed me what the flag was,  
 10 and I said, "Okay. I think we'll put this up."  
 11 It was kind of cool. A leg here, a leg here,  
 12 a leg here(indicating).  
 13 We put it up in front of the -- there was a  
 14 bump shop there. I think they're gone now. On Joseph  
 15 Campau up towards the north end.  
 16 And after I put it up -- it was a husband and  
 17 wife that owned the place. She came out and says to me,  
 18 "Why did you have to put that in front of our place?"  
 19 And that stayed up for at least a year, I  
 20 think. Maybe two. But that's a good example of what  
 21 happens.  
 22 (Exhibit 16 was marked for identification.)  
 23 BY MR. SUSSELMAN:  
 24 **Q I'm going to show you what's been marked as Plaintiff's**  
 25 **Exhibit Number 16, and ask if you can identify that?**

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1 A Yeah.  
 2 **Q What is it?**  
 3 A It's a spreadsheet I put together at your request some  
 4 time ago. These are flags. I went back through the  
 5 records, and I think it's pretty complete. I could have  
 6 missed something.  
 7 But the first column are the flags that we had  
 8 up every single year.  
 9 The next column are the flags that were -- and  
 10 the heading says it all. It was up most of the years.  
 11 And the last column were ones we switched up.  
 12 They were just up for one to three years.  
 13 Should I pass this around, or --  
 14 **Q No. No.**  
 15 **So the top row you have the title "African**  
 16 **Union." What does that refer to?**  
 17 A Well, there's 54 nations in Africa. And that's another  
 18 one of these. Okay?  
 19 I'm out there putting up the flag. I remember  
 20 the day. I mean, it was at the end of Zenow(ph). And  
 21 that flag's particularly tough to put up because there's  
 22 a tree here and the flag, you got to jockey it around and  
 23 get it past the branches of the tree.  
 24 And I really didn't need to be asked a question  
 25 at that point. I'm 14 feet up on a ladder and struggling

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1 to get this thing through the branches of the tree, and I  
 2 hear the same question, "What about my flag?"  
 3 "What's your flag?"  
 4 "Africa."  
 5 I said, "Africa's a continent, not a nation.  
 6 So what nation are you from?"  
 7 "I don't know. My family's from Africa."  
 8 And I said, "Okay. Let me" --  
 9 I said, "We have the Ethiopian --  
 10 I remember, I told -- "We have the Ethiopian  
 11 flag."  
 12 "I'm not from Ethiopia."  
 13 "Okay. Let's look -- I'll try and figure  
 14 something out." Okay?  
 15 And I did. We came up with African Union  
 16 because it is -- the continent of Africa is the bulk of  
 17 the flag with 54 stars on it; one representing each  
 18 nation in Africa.  
 19 **Q Who designed that flag?**  
 20 A Hell, I don't know. Somebody in Africa, I guess. Why?  
 21 **Q Well, was there a -- was it a copy of a flag that had**  
 22 **already been designed to represent what's called the**  
 23 **African Union? Or did somebody design a new flag for**  
 24 **that purpose?**  
 25 A No. This is an actual flag --

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1 but --  
 2 And I don't remember what -- what I really  
 3 don't remember is where this came from. I think it  
 4 probably came through the City Clerk, which would have  
 5 been Augie at the time. And I could ask Augie if he  
 6 remembers this. But I don't know.  
 7 But in any case, we were asked to put up the  
 8 Serbian flag. It just came out of the blue.  
 9 BY MR. SUSSELMAN:  
 10 **Q Do you remember, approximately, when that was?**  
 11 A Jesus --  
 12 **Q If you don't --**  
 13 A It was in the middle of all this. I don't know.  
 14 Somewhere in the middle of the last 13 years. It wasn't  
 15 at the end. It wasn't at the beginning. Somewhere in  
 16 the middle.  
 17 **Q All right.**  
 18 A In any case, we were asked to put it up. I, actually,  
 19 bought it. I still have it. It's folded up with the  
 20 other flags. But --  
 21 **Q Did you display it?**  
 22 A (Witness shakes head no.)  
 23 **Q Did the Commission --**  
 24 A No. We never displayed it.  
 25 **Q Why not?**

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1 **Q Okay.**  
 2 A -- of the African Union -- African Union is an  
 3 organization and this is their flag.  
 4 **Q Okay.**  
 5 A Okay.  
 6 **Q All right. When a person requested a flag, were they**  
 7 **expected to pay for it?**  
 8 A No.  
 9 **Q So all the funds for the flags, they didn't come from the**  
 10 **city at all --**  
 11 A No.  
 12 **Q -- is that correct?**  
 13 A Correct.  
 14 **Q And they came from donations from --**  
 15 A Contributions from a lot of businesses and some  
 16 individuals, yeah.  
 17 **Q Okay. Did the Commission ever refuse to fly a flag that**  
 18 **was requested?**  
 19 A Only on one occasion, that I recall.  
 20 **Q And what was that?**  
 21 A We were asked -- and this was set up and I was --  
 22 **Q Sorry.**  
 23 MR. SUSSELMAN: I thought I was at trial and I  
 24 have to offer it, but I don't have to. I'm not in trial.  
 25 A I was kind of upset when I realized how this came down,

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1 A Well, because we were, actually, threatened, but we --  
 2 the threat came in secondhand, but there -- because the  
 3 Serbians had so brutalized Bosnia, and we only had -- at  
 4 that point I think we had two Serbian families in  
 5 Hamtramck, and we had -- Bosnia was a major presence  
 6 here.  
 7 And there was at least one threat to, actually,  
 8 tear -- we were told that if the Serbian flag went up,  
 9 that they were going to go out there with a truck and  
 10 pull the whole pole down in the middle of the night.  
 11 And so I said -- my initial reaction was that I  
 12 don't respond well to threats. And somebody wants to put  
 13 the flag up, and they're legitimate, we should put it up.  
 14 What we found out later was, it wasn't  
 15 legitimate. The woman who asked for it was actually  
 16 Bosnian and she was married to a Serbian guy. But the  
 17 only reason she did it was because she had a bone to pick  
 18 with one of our Commissioners and she wanted to start  
 19 trouble.  
 20 **Q Was the Commissioner Serbian?**  
 21 A Bosnian.  
 22 **Q He was Bosnian. Okay.**  
 23 A Um-hmm. And so I said, "Well, this --  
 24 I said, "We've got a Commission here. Let's  
 25 vote on."

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- 1 We voted it -- we voted it down not to put it  
 2 up. So I did not raise the Serbian flag.  
 3 **Q Okay. Is there any other flags that the Commission**  
 4 **decided not to raise?**  
 5 A Never.  
 6 **Q I'm going to show you what's been previously marked as**  
 7 **Plaintiff's Exhibit Number 2.**  
 8 **Were you present when Mr. Garbarino testified**  
 9 **at his deposition?**  
 10 A Yes.  
 11 **Q Have you seen that document before?**  
 12 A I believe so. Yeah.  
 13 **Q And what is it?**  
 14 A It's an Affidavit of -- Max's Affidavit.  
 15 **Q Max Garbarino?**  
 16 A Yes.  
 17 **Q Could you review it, please?**  
 18 A Okay. (Witness reviewing document.) Okay.  
 19 **Q Do you agree with everything that's in that Affidavit?**  
 20 A No. No, I don't.  
 21 **Q What do you not agree with?**  
 22 A Well, a little ambiguity here. It said the Human  
 23 Relations Commission at no time since establishment total  
 24 authority to decide what flags[sic].  
 25 Well, if you look at the enabling statute, we

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- 1 were given that authority.  
 2 **Q You mean the resolution?**  
 3 A The original -- yeah, the original resolution --  
 4 **Q Right.**  
 5 A -- establishing, yeah, the flag project. It gave us the  
 6 authority. And it doesn't, in the resolution, say total  
 7 authority, but it didn't say that it's compromised in any  
 8 way either.  
 9 We took that resolution and we ran with it.  
 10 And we did a job and we did a damn good job.  
 11 **Q Do you know, was Mr. Garbarino in the city administration**  
 12 **at the time that resolution was enacted?**  
 13 A I don't think so. Which, the original one?  
 14 **Q Yeah.**  
 15 A I don't think so, but I couldn't swear to it. He was  
 16 here. He left. He came back.  
 17 I'm not sure -- I don't have dates, so I don't  
 18 know. But I don't believe he was here during that time,  
 19 no.  
 20 **Q Well, do you have any reason to believe he was on the**  
 21 **City Council at the time?**  
 22 A Who? Max?  
 23 **Q Mr. Garbarino.**  
 24 A On City Council?  
 25 **Q Yes.**

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- 1 A He wasn't on Council.  
 2 **Q I'm asking you.**  
 3 A Oh. He was never on City Council.  
 4 **Q And he wasn't the Mayor?**  
 5 A No, he wasn't the Mayor.  
 6 **Q Anything else in the Affidavit that you take issue with?**  
 7 A Yeah. Sure.  
 8 "The previous city managers,  
 9 generally, approved or acquiesced  
 10 in the flags being flown."  
 11 I mean, you could stretch the word acquiesced  
 12 and say that they didn't object, but they didn't even  
 13 know. They were -- none of them ever knew when we were  
 14 putting up or taking down a flag, so they had no way to  
 15 acquiesce or approve.  
 16 We did. We did it at the behest of people out  
 17 of the community who asked us to put up their flag, and  
 18 we did it. And we never -- again, that was -- that was  
 19 me.  
 20 I did not want to have politicians involved in  
 21 flag selection at all because I knew where it would go.  
 22 And this whole thing proves it. I should have hung up on  
 23 Kathy when she called.  
 24 **Q I'm sorry.**  
 25 A I don't know. I'm sorry too. I mean, it just --

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- 1 **Q I'm not sure what you're referring to.**  
 2 A Okay. All right.  
 3 Kathy Angerer is who I'm talking about. I  
 4 mean, that's how this all started.  
 5 **Q Okay.**  
 6 A All right.  
 7 **Q We'll get to that.**  
 8 A Okay. Nobody -- nobody -- nobody from anywhere, other  
 9 than the Commission, talked about Serbia. I mean, I  
 10 don't -- I mean it's -- it came from the city originally,  
 11 I think, through -- like I say, through the City Clerk's  
 12 office. So it's altogether possible that somebody else  
 13 knew about it, but nobody gave us any direction. This  
 14 was us.  
 15 **Q So you're referring in paragraph 3 of Mr. Garbarino's --**  
 16 A Yeah.  
 17 **Q -- Affidavit, he states:**  
 18 "There was, to my knowledge, at  
 19 least one occasion when the City of  
 20 Hamtramck intervened and prevented  
 21 the Commission from flying the flag  
 22 of Serbia while an ongoing conflict  
 23 was occurring in the region."  
 24 Which was also --  
 25 A That's wrong on a number of points. There was no ongoing

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- 1 conflict, but we never heard word one from the city.
- 2 **Q You're saying that assertion is false?**
- 3 A Absolutely, a hundred percent.
- 4 **Q Okay. Did you ever tell Mr. Garbarino that you were**
- 5 **taking direction as to what flags to display from the**
- 6 **City Council or from the Mayor?**
- 7 A I never talked to anybody except us. I mean, we just --
- 8 we made the decision.
- 9 **Q When you say "us" --**
- 10 A The Commissioners. There was no reason to talk to
- 11 anybody else.
- 12 **Q Okay.**
- 13 A And there was a lot of reason to keep them out of the
- 14 fray.
- 15 **Q So if Mr. Garbarino testified to that assertion, that**
- 16 **would not be true?**
- 17 A Which assertion?
- 18 **Q That you told him that you got approval from the Council**
- 19 **and/or from the Mayor as to what flags to display?**
- 20 A You mean City Council? No.
- 21 **Q You told --**
- 22 A That never happened.
- 23 **Q You told Mr. Garbarino that?**
- 24 A No. I never told him that. It's possible that we --
- 25 that I -- you know, the Serbian flag came -- that issue

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- 1 probably came from the City Clerk's office.
- 2 **Q Okay.**
- 3 A That's my guess.
- 4 **Q Okay.**
- 5 A So there is --
- 6 **Q Was Mr. Garbarino a City Clerk?**
- 7 A No, he wasn't.
- 8 **Q Okay.**
- 9 A Okay. All right.
- 10 **Q Could you look at paragraph 4.**
- 11 A Um-hmm. (Witness reviewing document.) Okay.
- 12 **Q Do you agree with the language in paragraph 4 that says:**
- 13 **"In keeping with the City**
- 14 **of Hamtramck's history of monitoring**
- 15 **an occasional intervention of a flag**
- 16 **pole."**
- 17 A No.
- 18 **Q Would that be an accurate statement?**
- 19 A No. The City of Hamtramck -- well, unless you consider
- 20 our Commission's part of the City of Hamtramck, which it
- 21 is, that's the only entity that had anything to do with
- 22 the flag poles, period.
- 23 **Q Okay. Well, that wouldn't make sense because it says**
- 24 **"intervene." That would have the Commission intervening**
- 25 **on itself; right? That doesn't make sense?**

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- 1 A No.
- 2 **Q Okay. Are you familiar with what's called "the pride**
- 3 **flag"?**
- 4 A Of course.
- 5 **Q What is it?**
- 6 A It's a rainbow flag that represents the gay community.
- 7 **Q Okay.**
- 8 A I don't know what else to say.
- 9 **Q Was a request, at some point, made, or at any point made**
- 10 **to include the pride flag as one of the flags displayed**
- 11 **on flag poles on Joseph Campau Avenue?**
- 12 A Yes.
- 13 **Q How did that occur?**
- 14 A I received a call from the then city manager, Kathy
- 15 Angerer, and she wanted to know if --
- 16 Well, she started the conversation by telling
- 17 me that the City Council had passed an ordinance to raise
- 18 a pride flag in the park across from city hall. And she
- 19 wanted to know if we had a spare pole on Joseph Campau to
- 20 raise the pride flag. And I said, yes, we did.
- 21 **Q Do you recall, approximately, when this was? The year?**
- 22 A '21, I think.
- 23 **Q 2021?**
- 24 A I think so.
- 25 **Q Okay.**

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- 1 A And I don't --
- 2 THE WITNESS: You smile.
- 3 A I mean, I don't know.
- 4 BY MR. SUSSELMAN:
- 5 **Q Don't worry --**
- 6 A I don't know if that's the exact date. I mean --
- 7 MR. SUSSELMAN: He smiles all the time.
- 8 MR. MEROUEH: I do.
- 9 THE WITNESS: Okay.
- 10 A So in any case, whenever it was, okay, that was that
- 11 conversation. And she --
- 12 I said, "Yes, we do."
- 13 She says, "Okay. The Chair of the Arts and
- 14 Culture Commission would -- will get in touch with you."
- 15 She said, "He wants to spec out the flag" and
- 16 whatnot.
- 17 So he did. I don't remember if he called me; I
- 18 called him. I don't remember how that communication
- 19 happened, but we did talk.
- 20 And he told me --
- 21 Oh, and I had already talked to my flag guy
- 22 when I talked to him. And I told him the flag that we
- 23 can get is such and such. And I think I might have even
- 24 sent him a picture.
- 25 I said, "We can get that right away."

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1 He said, "Well, I prefer the latest version of  
2 the flag."  
3 **Q When you say "flag guy," who are you referring to?**  
4 A We have -- the company where I go to order the flags.  
5 **Q Okay.**  
6 A Okay. And they had access -- see, these are 8x12 flags.  
7 There's not a ton of 8x12 pride flags out there. So he  
8 was able to get one that had been around for a while.  
9 And so Tim had said, "Well, that's okay if  
10 that's all you can do, but I would prefer the latest  
11 version." And he sent me a picture of it.  
12 And, so, I sent it to my flag guy. He sent it  
13 to the -- they have a dye print process for most flags  
14 unless they're embroidered.  
15 And he sent them to the manufacturer who does  
16 the dye printing of flags, and the manufacturer said,  
17 "Yes, we can do it, but we want to talk to the designer  
18 first. We don't want any Copyright issues."  
19 And so he -- I guess we got the designer  
20 specified. And he came back and told us that the  
21 designer is on vacation in Europe, but that he would --  
22 when he got approval, he'd let us know.  
23 When he got approval -- and we ordered the  
24 flag. We ordered it upfront.  
25 **Q Which design did you order?**

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1 **Q Do you need a calendar?**  
2 A No. I think -- that won't help me much.  
3 I think it was 2021. I think that's when this  
4 came down, when I got the call from Kathy.  
5 **Q Okay.**  
6 A That was the year. I think it was 2021.  
7 **Q Okay.**  
8 A I'm pretty sure it was.  
9 **Q Okay.**  
10 A So --  
11 **Q So by the time you received the pride flag, which you**  
12 **wanted to display --**  
13 A Yeah. It was --  
14 **Q -- the flags were coming down?**  
15 A Right. And I don't put anything up in the wintertime.  
16 So --  
17 **Q Okay.**  
18 A So I held on to it.  
19 And the next spring -- now, here's -- I'm a  
20 little naive. You know, I told you I try to keep this  
21 out of the hands of politicians. I don't associate with  
22 politicians that much. Okay.  
23 I get involved when there's a need in the city  
24 and I start pulling people together and make things  
25 happen. If I have to talk to politicians, I will do it

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1 A The one that we put up. The latest one. The one that  
2 he -- that Tim wanted.  
3 **Q Okay.**  
4 A Okay.  
5 **Q "Tim" being?**  
6 A Tim Price, the Chair of the Arts and Culture Commission.  
7 **Q Okay.**  
8 A And so we did. We ordered it.  
9 But when they finally got the approval from the  
10 designer, it was kind of late in the year. And by the  
11 time we got it, all the other flags were coming down. So  
12 we said we'd put it up the following year, which we did.  
13 **Q So this is 2021?**  
14 A Okay.  
15 THE WITNESS: He's going to smile again because  
16 I -- I can't remember dates.  
17 A I don't know. Yeah, whatever --  
18 THE WITNESS: You know the deal. Okay.  
19 A I mean, whatever --  
20 BY MR. SUSSELMAN:  
21 **Q No. It's your deposition.**  
22 A I don't know.  
23 **Q You have to educate the court.**  
24 A Okay. It was the -- it was the year -- oh, cripe sakes.  
25 I think it was --

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1 reluctantly.  
2 But I, honestly, didn't realize what had come  
3 down the pipe the previous year. I didn't realize all  
4 the controversy around putting the flag up in the park  
5 across from city hall. Kathy just told me they passed a  
6 resolution they were going to do it.  
7 **Q When you say -- the pride flag?**  
8 A Yeah, the pride flag.  
9 Since then, I found out that was major and it  
10 took -- well, it was a tie vote, and it took the Mayor  
11 breaking the tie. I didn't know all this.  
12 I didn't know -- I didn't realize when I put  
13 the flag up the next spring, that this was going to be  
14 controversial. Okay. It was a different administration.  
15 But I didn't even focus on that that much. Okay.  
16 I mean, I read the news reports that said the  
17 first all Muslim City Council in the country, and that's  
18 interesting, but I didn't realize how that would impact  
19 what I was doing.  
20 So I went up there and I put up the damn flag  
21 along with all the rest of them.  
22 **Q Was this in -- the following year?**  
23 A Yeah, the following year.  
24 **Q So the spring of the following year?**  
25 A Probably, '22.

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- 1 **Q Okay.**  
2 A Probably, '22; right?  
3 **Q Yes.**  
4 A Okay. And so I put it up. And I put it up on a Sunday,  
5 actually. Usually, I'll put these up on the weekend  
6 because it's -- you know, I've got to park my car next to  
7 the flag poles. And I usually park -- I drive my car  
8 over the curb and I park so I can back the car up and --  
9 because they're big flags -- and pull them out of the  
10 back of the car. So I'm usually working by myself, so --  
11 **Q How long does it take you to raise the flags?**  
12 A It's usually an all-day project. It depends on what --  
13 In the summertime when I'm doing it, you know,  
14 for the 4th of July or whatever, it's hot. So I'll make  
15 it -- definitely make it two trips. I'll do one early in  
16 the morning and then quit late in the morning, take a  
17 break and go back and do the rest in the afternoon. But  
18 it's, usually, an all-day project.  
19 **Q And you do this by yourself?**  
20 A Um-hmm. Yeah.  
21 **Q Okay.**  
22 A So that year I put all the flags up. I did it on a  
23 Sunday. And Monday morning -- I mean, she must have just  
24 got to the office because it was definitely morning.  
25 **Q "She" being?**

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- 1 The next time I talked to her she was on the  
2 way out the door, by the way. She was -- she was getting  
3 ready to leave, and so I was.  
4 **Q When you say "leave," leave her office?**  
5 A Leave her office. She's got a job working for the State  
6 of Michigan.  
7 **Q Okay.**  
8 A And, so, I was at her -- I went to -- she was having a  
9 farewell sendoff at Baker's Street Car Bar down on Joseph  
10 Campau there. And I knew about it, so I figured I'd  
11 catch her there. And I did. She was there.  
12 So we went -- she and me, and there were a few  
13 other people there, and we all went out back. I remember  
14 we were standing out back behind the bar.  
15 And she said to me, "The Mayor wants it down by  
16 the weekend."  
17 I said, "Well, you're going to have to  
18 disappoint the Mayor. It's up."  
19 **Q Who was the Mayor at that point?**  
20 A Mayor Ghalib.  
21 **Q Okay.**  
22 A And he was the one --  
23 **Q Was that his first term?**  
24 A Yes. He was the one that she was going to try to get to  
25 talk to the Councilman. But, apparently, he didn't hold

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- 1 A Oh, Kathy Angerer.  
2 I got a phone call. I answered the phone.  
3 "You put it up."  
4 I said, Yeah. I mean, you asked me."  
5 She said, "That was last year. This is this  
6 year."  
7 I said, "Well, I'm sorry, but it's up."  
8 She said, "There's a City Councilman that wants  
9 you to take it down now."  
10 And I think it was Albert Mackey. I'm not  
11 sure. I think that's who it was. I wouldn't swear to it  
12 because I don't know.  
13 In any case, I said, "Well, I'm not going to do  
14 it."  
15 I said we -- you know, we -- every flag we've  
16 put up was requested and put up to represent a segment of  
17 our community. And every one of them looks at their flag  
18 with pride.  
19 "We just put this up. And there's a whole  
20 segment of our community right now who feels good, like  
21 they're welcome here. You want me to take it down. You  
22 really want me to take it down?"  
23 I was flabbergasted.  
24 So she said, "I'll talk to the Mayor and see if  
25 he can talk to the Councilman."

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- 1 enough sway.  
2 So I -- off the record. I mean, it probably  
3 had something to do with an Imam somewhere. That's my  
4 guess.  
5 **Q Okay.**  
6 A But --  
7 **Q So at this time --**  
8 A Okay.  
9 **Q -- were you still operating under the resolution, which**  
10 **has been marked as Exhibit Number 5, which gave the**  
11 **Commission authority --**  
12 A Sure.  
13 **Q -- to decide what flags --**  
14 A Sure. Of course.  
15 **Q So in 2022 that was the resolution you were operating**  
16 **under?**  
17 A Of course. Yeah. It was the only resolution we had to  
18 operate under. Yeah.  
19 **Q Okay. Did you ever take down the pride flag in 2022?**  
20 A No. Well, eventually, in the fall.  
21 **Q In 2022?**  
22 A In the fall when all the flags came down.  
23 **Q Okay. But --**  
24 A Okay.  
25 **Q -- but you took it down when all the flags came down?**

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- 1 A Right. Exactly. So I --
- 2 **Q It stayed up the entire --**
- 3 A Yeah. I insisted we not take it down.
- 4 **Q Okay.**
- 5 A And we had several meetings. One of them in this room
- 6 here. And it just --
- 7 **Q What transpired at that meeting and who was present?**
- 8 A Oh, Lord.
- 9 **Q To the best of your recollection.**
- 10 A State representative was here. And he proposed --
- 11 politician.
- 12 He says, "Well, why don't you leave it up for a
- 13 couple of months and then take it down?"
- 14 And, you know, I said, "We're not taking it
- 15 down."
- 16 **Q Was the Mayor present? Mayor Ghalib present at this**
- 17 **meeting?**
- 18 A Yes.
- 19 **Q Any Council members present?**
- 20 A Yeah. And I knew -- I talked about it. Oh, geez.
- 21 THE WITNESS: Oh, what's her name who's no
- 22 longer on Council? Purple house?
- 23 You know who I'm talking about.
- 24 BY MR. SUSSELMAN:
- 25 **Q It's all right.**

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- 1 A Okay.
- 2 **Q We can't have --**
- 3 A I don't know. There were a handful of Council people.
- 4 **Q Okay.**
- 5 A Okay.
- 6 **Q Was there a consensus about the -- among the Council**
- 7 **members and the Mayor that they wanted the pride flag**
- 8 **removed?**
- 9 A I think they would have been comfortable if I had said,
- 10 yeah, we'll take it down because they were getting
- 11 pressure.
- 12 **Q "Pressure." What do you mean by "pressure?"**
- 13 A Well, they said constituents. I believe that --
- 14 honestly, I mean -- I mean, I don't know if I'm getting
- 15 in trouble saying this.
- 16 **Q You won't get in trouble.**
- 17 A My belief -- I have no proof of this, but just looking at
- 18 the whole scenario, I believe that politicians, being
- 19 what they are, they're bowing to the fact that the Imams
- 20 can deliver votes. And I think that's what's going on
- 21 here. I think this is a hundred percent religious affair
- 22 and it just pisses me off to no end.
- 23 THE WITNESS: So I don't know. I mean, I don't
- 24 know if that needs to be off the record.
- 25 MR. SUSSELMAN: It's not off the record.

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- 1 A I mean, that's what I believe. Okay? True or not,
- 2 that's what I believe.
- 3 BY MR. SUSSELMAN:
- 4 **Q Why do you believe that?**
- 5 A Because for -- for how many years? For 10 years we were
- 6 putting flags up of nations, of non-nations. Nobody ever
- 7 complained except for the woman that there's her and her
- 8 husband owned the bump show. Said, "Why did you put that
- 9 flag in front of my place?"
- 10 Aside from that, everybody was proud of the
- 11 flags. Everybody wanted them to stay up there.
- 12 Everybody loved them.
- 13 I'm sure there were probably some folks who
- 14 maybe didn't like a particular flag, but I never heard
- 15 about it. Okay.
- 16 This was something that was -- became an
- 17 integral part of the community. Everybody valued it. It
- 18 was -- it was us. It was us. All of us. You look up
- 19 there, I'm up there. Okay. So, that's what it was.
- 20 And for --
- 21 **Q Let me ask you. Did you -- so the pride flag is**
- 22 **recognition of the gay community?**
- 23 A Correct.
- 24 **Q And is there a gay community -- was there a gay community**
- 25 **in Hamtramck --**

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- 1 A Yeah.
- 2 **Q -- at the time?**
- 3 A Significant, yeah.
- 4 **Q Did you ever get any feedback from any of the members of**
- 5 **the gay community when the pride flag was displayed?**
- 6 A Positive comments, yeah, by several people. Yeah, many
- 7 people, actually.
- 8 **Q So what happened during this meeting?**
- 9 **How was it resolved? How was it concluded?**
- 10 A Well, there was no resolution. I just -- I just dug my
- 11 heels in and nobody was satisfied. That's how it ended.
- 12 I mean, there was no resolution.
- 13 **Q Okay.**
- 14 A What happened eventually --
- 15 **Q What happened?**
- 16 A That the city, they just treaded water. They decided to
- 17 be quiet about it and not to make a big stink, and it
- 18 stayed up.
- 19 And the Mayor -- I mean, I've had meetings with
- 20 the Mayor since then trying to just resolve the division
- 21 in the city, and --
- 22 **Q What have you said to him? What has he said to you?**
- 23 A Well --
- 24 **Q To the best of your recollection.**
- 25 A A lot of things. But the --

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1 Okay. I've lost the thread just now.

2 **Q Okay. Just calm down.**

3 **The meeting is over, and you said --**

4 A Yeah.

5 **Q -- they treaded water for some period of time, and**

6 **then --**

7 A Yeah. Yeah. Decided just to --

8 **Q And then you said you had some conversations on some**

9 **occasions --**

10 A Yeah.

11 **Q -- with the Mayor?**

12 A They decided just to be quiet about it and let it go.

13 And I kept waiting for somebody to drop the other shoe

14 and it never happened til the end of the year.

15 At the end of the year they all came down. And

16 over the winter I was asked if I was going to put the

17 flag back up in the spring. And I said, "Yes."

18 **Q This is the winter of 2022/2023?**

19 A I think so.

20 **Q Okay.**

21 A Yeah. And I said, "Yes." And I think it was Max that

22 asked me, and I said "Yes."

23 **Q Garbarino?**

24 A Yeah, I believe so.

25 **Q Okay.**

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1 There's three main segments of the Cherokee Nation, and

2 this one's the biggest one, actually.

3 And he donated the flag, plus he -- you know, I

4 told you how we put plaques up for folks. He gave us

5 \$300 towards the project as well. We put a plaque up for

6 him and he gave us the flag. So we put his flag up.

7 **Q Go on.**

8 A And, so, that was up for at least a couple years.

9 **Q Okay.**

10 A Yeah.

11 **Q So did you agree with Resolution 2023-82, which is**

12 **Plaintiff's Exhibit Number 6 in front of you? Did you**

13 **agree with it?**

14 A This is the last one you gave me?

15 **Q Yes.**

16 A No, I don't.

17 **Q Why did you disagree with it?**

18 A Because they wanted to pull the pride flag down. And

19 that was the only reason behind it.

20 You know, in all these years, all the flags we

21 put up, nobody has had any issue with any one of them;

22 African Union, Ethiopian, the -- none of them that were

23 not the POW/MIA flag. All of the flags that were not --

24 that didn't represent a discrete nation, nobody had a

25 problem with any flag until the pride flag went up.

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1 A And I was told after that that that was what -- that was

2 what -- that that was the reason for the pride flag

3 ordinance that they passed limiting what flags can go up.

4 **Q I'm showing you what has been marked as Plaintiff's**

5 **Exhibit Number 6. It's titled "Resolution 2023-82."**

6 **Is this the resolution you're referring to?**

7 A (Witness reviewing document.) Yes.

8 **Q Now, what would have been the effect of that resolution?**

9 A Effectively, it meant that the pride flag couldn't go up,

10 as well as the African Union, the -- the Cherokee Nation

11 flag.

12 **Q There's a Cherokee Nation flag?**

13 A Yeah.

14 **Q How often was that displayed? How many years?**

15 A That was at least the one -- three years.

16 (Witness reviewing document.) I don't see -- I

17 somehow missed that in my list here.

18 **Q So it was not included in number 16?**

19 A No. But it was up there for probably --

20 **Q There was such flag?**

21 A Yeah. Yeah.

22 **Q Okay.**

23 A The fellow who owns the scooter store, Jabril(ph), he's a

24 full-blooded Cherokee from -- from Alabama, I believe.

25 And that's where the Cherokee Nation is, or that segment.

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1 I mean, it's -- if you ask anybody on the

2 street here why did the pride flag come down, they'll

3 tell you.

4 **Q What do you think they'll say?**

5 A It offended religious people.

6 And I got to tell you -- I mean, I'm sure it

7 offended lots of Catholic people.

8 **Q Do you believe that?**

9 A Huh? Believe that that's the reason?

10 **Q Yes.**

11 A Oh, absolutely, a hundred percent. I got no doubt in my

12 mind, none.

13 Why did -- when -- why later when the pride

14 flag went up after that did they pull down African Union

15 and the other flags that were not national flags? They

16 passed a resolution. But, you know, the pride flag

17 hadn't gone up, they wouldn't have touched any of them.

18 **Q Okay. The title of the --**

19 A And we all know that.

20 **Q If we look at Plaintiff's Exhibit 6, it says it's a**

21 **resolution to maintain and confirm the neutrality of the**

22 **City of Hamtramck towards its residents.**

23 **Did you believe that was actually the reason --**

24 A No.

25 **Q -- to maintain neutrality?**

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- 1 A No. Absolutely, that's bullshit.  
 2 THE WITNESS: Sorry.  
 3 BY MR. SUSSELMAN:  
 4 Q So you're aware the resolution was passed; correct?  
 5 A Yes.  
 6 Q What transpired after the resolution was passed that  
 7 spring?  
 8 A Oh. Well, I -- after putting up all the rest of the  
 9 flags, we -- a little group of folks who were supportive,  
 10 we got out there and Katrina and I raised the pride flag  
 11 as a protest to that resolution.  
 12 Q So when was that done, approximately?  
 13 A Well, it was -- it was -- the spring is when the other  
 14 flags were going up.  
 15 Q And your Co-Plaintiff, Cathy Stackpoole, went out and  
 16 raised the flag?  
 17 A Correct.  
 18 Q So you went up on the ladder and did it?  
 19 A Right.  
 20 Q And what was Catherine's --  
 21 A Katrina.  
 22 Q -- role in that?  
 23 A She was pulling the rope. She was actually raising it.  
 24 I connected it and she raised it, and --  
 25 Q Was this -- on this same day, did you raise all the other

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- 1 flags? Or was that the only flag you raised?  
 2 A We raised all the other flags -- same day? Might have  
 3 been the same day. It was the next day, maybe.  
 4 Yeah. I raised all the flags one day and then  
 5 came back the next day when we got a group of people  
 6 together, that's when I got Katrina's help and we did it.  
 7 Q So you raised the pride flag after the other flags were  
 8 raised?  
 9 A Right.  
 10 Q What transpired after that?  
 11 A We went around the corner to a bar to celebrate knowing  
 12 pretty much what would happen. And we were notified  
 13 later that it did.  
 14 Q What were you told happened?  
 15 A Actually, I think it was Max that called me and told me  
 16 that they took down the three flags that violated the  
 17 resolution. Three, four? Three, I think.  
 18 Which was the African Union flag, the Cherokee  
 19 Nation flag, and the pride flag. Yeah, those three.  
 20 Q Those were the only three?  
 21 A Um-hmm.  
 22 Q The flags that represented other nations that had  
 23 residents, they didn't take any of those down?  
 24 A Right. They didn't take any of those down.  
 25 Q And they didn't take the POW flag down?

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- 1 A No. But I think that's covered in the resolution.  
 2 Q Okay. Were you present when those flags were taken down?  
 3 A No. I was -- like I said, we were --  
 4 Q Okay.  
 5 A We were around the corner.  
 6 Q And what transpired after that?  
 7 A Well, Max, also, at the same phone call, he notified me  
 8 that I was being removed from the Commission. Katrina  
 9 and I were both being removed from the Commission, and  
 10 we'd have no more --  
 11 Q Were you present when that was done?  
 12 A When what was done?  
 13 Q Your removal.  
 14 A I'm not sure what that means. But I --  
 15 Q Well, how was it done? How was your removal  
 16 accomplished?  
 17 A It was -- I guess, they passed a resolution. Max told me  
 18 about it. That's how I knew about it.  
 19 Q So you weren't present when they discussed the  
 20 resolution? At the City Council meeting, you were not  
 21 present for that?  
 22 A When they talked about removing us from the Commission?  
 23 Q Yes.  
 24 A I don't remember, honestly.  
 25 I don't think so, but maybe. I don't remember.

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- 1 I don't remember that meeting.  
 2 Q Okay. Do you know if they did anything else besides  
 3 removing you and Miss Stackpoole?  
 4 A They -- I think they took the flag project out of the --  
 5 out of the domain of the Human Relations Commission. I  
 6 believe that's true. And --  
 7 Q Were you present for that resolution discussion?  
 8 A I don't think so.  
 9 Q Okay.  
 10 A You asked me a question that sounded a little fuzzy in my  
 11 mind.  
 12 Q That's all right.  
 13 A I don't think I was there, but it's possible.  
 14 MR. SUSSELMAN: Just a minute.  
 15 (Pause in proceedings.)  
 16 MR. SUSSELMAN: I have no further questions.  
 17 MR. MEROUEH: All right. Fellow Washington  
 18 University alumni, how are you doing?  
 19 MR. SUSSELMAN: Alumnus.  
 20 MR. MEROUEH: Alumnus. Excuse me.  
 21 ---  
 22 EXAMINATION  
 23 BY MR. MEROUEH:  
 24 Q So let's just get right into it because I don't want to  
 25 take too much time.

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1 But how would you guys vote, the Human  
 2 Relations Commission, for each flag? Would you have a  
 3 formal vote?  
 4 A Just the first year. I don't remember if we ever had a  
 5 formal vote after that. The first year we did. That  
 6 was --  
 7 Q Okay. After the first year, what was the process  
 8 exactly?  
 9 A It was fairly informal and relaxed. If we had -- if we  
 10 had a meeting or a quorum, we might talk about it, but  
 11 not a whole lot. I'd say, you know, that so and so on  
 12 the street had asked to have this flag put up, and nobody  
 13 had any objection, so we did it. It wasn't formal.  
 14 Q Right. So, basically, you made the choices one way or  
 15 the other --  
 16 A No. No.  
 17 Q -- and informed --  
 18 A No.  
 19 Q So explain it more then.  
 20 A The person who asked me to put it up, that's who made the  
 21 choice.  
 22 Q Right.  
 23 A We just acquiesced. We said, "Okay. We want everybody  
 24 included in this."  
 25 And, so, if -- the only time there was a

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1 problem was with Serbia. Outside from that, if somebody  
 2 asked for a flag to go up, we put it up.  
 3 Q All right. So did you have a -- do you have a log book  
 4 where you would log when someone would ask you?  
 5 A No.  
 6 Q You wouldn't have, like, a way when you're on top of the  
 7 ladder, somebody drives by and asks you --  
 8 A No. Just informal. It's usually somebody walking. I  
 9 can't remember any --  
 10 Q So you don't have any means --  
 11 A No.  
 12 Q -- of recording when somebody did?  
 13 A No.  
 14 Q So you'd rely on your memory, you're saying?  
 15 A I mean, it didn't have to be very long. I mean, putting  
 16 up the flag, somebody asks for it, and we -- right after  
 17 that we decide, yeah, okay to do it, or we just --  
 18 It wasn't -- it wasn't -- it wasn't as formal  
 19 as you think it is. This is folks on the street. This  
 20 is a bunch of people who really like seeing their flags  
 21 up there.  
 22 And "I want my flag up."  
 23 I said "Okay." So we do it.  
 24 Q So a Nazi supporter lives in Hamtramck, drives by, sees  
 25 you on the ladder --

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1 A Yes.  
 2 Q -- I'm sorry. Let me finish the question, Russ.  
 3 A It's ludicrous.  
 4 Q It's not "ludicrous" --  
 5 A It is.  
 6 Q -- because it's possible.  
 7 Are there -- excuse me. Are there Nazi  
 8 supporters around?  
 9 A I doubt it.  
 10 Q There are no Nazi supporters anywhere?  
 11 A I don't know.  
 12 Q Russ, you're telling me there are no Nazi supporters out  
 13 there?  
 14 A I don't -- I'm telling you I don't know.  
 15 Q How about -- excuse me.  
 16 How about Hezbollah, do you know who they are?  
 17 A Yeah.  
 18 Q And do you think there's anybody that supports them at  
 19 all?  
 20 A Possibility.  
 21 Q Okay. If one of those people drove by and saw you on the  
 22 ladder and said, "Hey, I want my flag, the Hezbollah  
 23 flag, flown," what would you have done?  
 24 A That we'd have -- it would be like the Serbian flag. If  
 25 you're talking about a group that, you know, engages in

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1 violent action and -- I don't know. We'd have to discuss  
 2 it then.  
 3 Q I'm sorry. So all Serbs are violent people?  
 4 A No.  
 5 Q Are Serbian people somehow less than other people?  
 6 A Are you forgetting the history here? This -- we're  
 7 talking about --  
 8 Q I'm sorry. We're talking about individuals --  
 9 Russ?  
 10 (Unreportable cross talk.)  
 11 COURT REPORTER: Stop. Stop. One at a time.  
 12 (Unreportable cross talk.)  
 13 MR. MEROUEH: Will you instruct my[sic] client  
 14 to answer the question?  
 15 MR. SUSSELMAN: No, because you're being  
 16 argumentative.  
 17 MR. MEROUEH: No, I'm not being argumentative.  
 18 MR. SUSSELMAN: You are.  
 19 MR. MEROUEH: He's not answering my questions.  
 20 He's cutting me off.  
 21 MR. SUSSELMAN: No, he's not.  
 22 MR. MEROUEH: Please instruct your client to  
 23 answer my question and not cut me off, Marc.  
 24 A I was trying --  
 25

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1 BY MR. MEROUEH:  
 2 **Q You weren't. You were cutting me off.**  
 3 **You said, okay, that that's a different story.**  
 4 **That groups that have --**  
 5 **What kind of groups were you excluding, you**  
 6 **said?**  
 7 A Well, I'm not "excluding." I'm saying we have to talk  
 8 about it as a group. Like the Serbian issue. That was  
 9 an issue that we had -- major population in Hamtramck had  
 10 been brutalized.  
 11 In fact, I have a neighbor who -- he was the  
 12 first kid I met when I moved onto the block. His father  
 13 was dragged into the woods and shot. Okay? I mean --  
 14 **Q Sorry. I'm sorry. But that's not my question. That's**  
 15 **not my question.**  
 16 A But it was your question.  
 17 **Q What kind of groups did you exclude --**  
 18 A I'm trying to explain the groups.  
 19 **Q So you exclude Serbians?**  
 20 A Well, no. We excluded them at that point in time because  
 21 of the situation. We --  
 22 **Q The situation that occurred in the 1990s?**  
 23 A You're interrupting me.  
 24 **Q I'm asking a question.**  
 25 A I'm trying to answer you.

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1 **Q The situation that occurred in the 1990s, Russ?**  
 2 A No.  
 3 **Q When did this --**  
 4 A Let me answer the question. Just shut up for a second.  
 5 Okay.  
 6 **Q Go right ahead, Russ. That's not how you talk to me.**  
 7 A You keep interrupting me.  
 8 MR. MEROUEH: Marc, come on.  
 9 MR. SUSSELMAN: You're being argumentative.  
 10 MR. MEROUEH: This is absurd. This is absurd.  
 11 MR. SUSSELMAN: No.  
 12 A You want me to answer a question?  
 13 BY MR. MEROUEH:  
 14 **Q My question, sir, is are you talking about the conflict**  
 15 **in the 1990s?**  
 16 A That's part of what I'm talking about. And if you let me  
 17 finish, I can explain it.  
 18 **Q Go ahead, finish.**  
 19 A Okay. The violence that happened in the 1990s was the  
 20 background for what we were -- what we have here right  
 21 now.  
 22 We have a major community in Hamtramck who were  
 23 brutalized. Their families were killed and slaughtered.  
 24 And the folks that represent Serbia here -- there were  
 25 two families.

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1 And one of our Commissioners talked to both of  
 2 those families, and they said that the flag wasn't that  
 3 important to them, and that they understood. So it was  
 4 not an issue.  
 5 It was the Commission that voted --  
 6 **Q I'm sorry. Didn't you say that because that somebody was**  
 7 **trying to cause problems for somebody that was on the**  
 8 **Commission --**  
 9 A Right.  
 10 **Q -- that's why you rejected it?**  
 11 A No. I said that's -- that's how this started. That was  
 12 the reason for the request to begin with. That's not --  
 13 **Q So when you don't like the person requesting it, you**  
 14 **don't --**  
 15 MR. SUSSELMAN: That's not what he said.  
 16 A No, that's not what I said. And you're making up things.  
 17 BY MR. MEROUEH:  
 18 **Q No, I'm not. Russ, the Hezbollah flag, what would you**  
 19 **guys do?**  
 20 A You're changing the subject.  
 21 **Q I'm continuing the conversation.**  
 22 A We were talking Serbia.  
 23 **Q Go ahead. What do you want to finish? What do you want**  
 24 **to say?**  
 25 A Okay. Well, what I was trying to tell you was that the

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1 initial phone call that came in, probably through the  
 2 Clerk's office, came from the person that I told you  
 3 about. And that wasn't the reason we denied it.  
 4 The reason we denied it was because there was  
 5 so much -- there would have been violence in Hamtramck.  
 6 So we -- we avoided the issue by voting it down.  
 7 And we probably would do the same thing with  
 8 the Nazi flag, or Hezbollah flag, or anything else. But  
 9 I don't know because we have never voted on it with a  
 10 quorum of the Commission. So that's what would have  
 11 happened.  
 12 But if there's a peaceful entity that  
 13 represents a major portion of Hamtramck and they want to  
 14 be represented and see their flag out there, why not?  
 15 **Q In the '90s, do you know what happened in Iraq?**  
 16 **Who was the -- do you know who the leader in**  
 17 **Iraq was?**  
 18 A What's that got to do --  
 19 **Q I'm sorry.**  
 20 MR. MEROUEH: Can you please -- can you  
 21 instruct your client to answer the questions?  
 22 MR. SUSSELMAN: It's not relevant, but go ahead  
 23 and answer the question.  
 24 A Okay. So, yeah, we're --  
 25

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1 BY MR. MEROUEH:  
 2 **Q Could you tell me who the leader in Iraq was?**  
 3 A Hussein.  
 4 **Q Saddam Hussein?**  
 5 A Yeah.  
 6 **Q And what was he accused of, do you know, by his people?**  
 7 MR. SUSSELMAN: Relevance. But go ahead and  
 8 answer.  
 9 BY MR. MEROUEH:  
 10 **Q Do you know what he was accused of?**  
 11 Was he accused of affecting his people in a  
 12 negative way?  
 13 A Yeah.  
 14 **Q Was he a peaceful man?**  
 15 A That's --  
 16 **Q Was Saddam Hussein peaceful, sir?**  
 17 A I don't think so, no.  
 18 **Q Okay. You have the Iraq flag here?**  
 19 A Um-hmm.  
 20 **Q All right. So in the '90s a lot of the Iraqis were**  
 21 **brutalized by Saddam Hussein. Was there a discussion**  
 22 **about that?**  
 23 A No, there wasn't. It was --  
 24 **Q Okay. And, then, how about Turkey? In Turkey, many**  
 25 **Armenians -- in fact, there was a genocide that occurred**

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1 in Turkey; is that correct?  
 2 A Right.  
 3 **Q And are there any Armenian people that are in Hamtramck,**  
 4 **potentially?**  
 5 A I believe so.  
 6 **Q And, so, was there any discussion about the Turkish flag**  
 7 **going up as it relates to those Armenians who were**  
 8 **genocided[sic]?**  
 9 A No.  
 10 **Q Okay. So that's the --**  
 11 MR. SUSSELMAN: I'm just going to place --  
 12 MR. MEROUEH: I'm sorry. If you have an  
 13 objection, state it.  
 14 MR. SUSSELMAN: Form and foundation. And  
 15 relevance.  
 16 A There was -- there was never any -- any feedback to it.  
 17 There was never any kickback to it.  
 18 BY MR. MEROUEH:  
 19 **Q So somebody -- you mentioned earlier that you -- you were**  
 20 **doing the flags for the two -- the six-year-old who was**  
 21 **in the back seat of the car driving into the city to see**  
 22 **their flag; correct?**  
 23 A Yeah.  
 24 **Q So how about for a six-year-old who had -- who -- a**  
 25 **Serbian six-year-old, what do you say to that Serbian**

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1 six-year-old who's denied that right?  
 2 A First of all, there wasn't -- there's not a whole lot of  
 3 Serbian representation in this town. Right now there's  
 4 only one person left.  
 5 **Q You said there were two families; right?**  
 6 A There were two families back then; right. But I don't --  
 7 you've got to look at the whole situation. And with  
 8 Serbia, it was very active, and violently active at that  
 9 point.  
 10 You're talking about Turkey. I mean, it's --  
 11 **Q I'm sorry. In 2013 it was active in Serbia?**  
 12 A No. It was active here. It was active here.  
 13 **Q What was active? They were brut -- Serbians were**  
 14 **brutalizing Bosnians in 2013 and thereafter.**  
 15 A The feelings were here of it. And I started to tell you  
 16 about it, and you --  
 17 **Q I'm sorry. So the feelings weren't there about Iraq or**  
 18 **Turkey? They don't care about that because it**  
 19 **happened --**  
 20 A I don't think so. Nobody --  
 21 **Q You don't think so?**  
 22 A I don't think so. Nobody ever said anything.  
 23 **Q So they had to come and say something to you for you to**  
 24 **be -- then you would have taken it down?**  
 25 A No. Well, what we know -- okay. I don't -- it's --

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1 with -- with Serbia and -- with Serbia and Bosnia, that  
 2 we know. I mean, it's clear and present.  
 3 **Q So you don't know about the Iraq situation I just asked**  
 4 **you about and you mentioned you understood it?**  
 5 A No, no. That -- historically. But it's not -- it's not  
 6 a current issue. It's nothing that --  
 7 Right now we've got -- we got nobody -- you put  
 8 the Iraqi flag up there, nobody says anything about it.  
 9 **Q All right. Let's move on.**  
 10 The African Union, you mentioned the guy that  
 11 asked you about the African --  
 12 A Right.  
 13 **Q How about Albanian, do you remember who asked you about**  
 14 **that?**  
 15 A The Albanian flag, we know there's a lot of Albanian  
 16 people here who --  
 17 **Q I'm asking who requested that flag?**  
 18 A I think it was probably one of the first ones up.  
 19 **Q Do you know -- do you have it written down who asked you**  
 20 **and when?**  
 21 A No. But, no. It's --  
 22 **Q And the Bangladesh flag -**  
 23 A Let me --  
 24 **Q Excuse me.**  
 25 A Let me finish.

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- 1 MR. SUSSELMAN: He wants to finish.  
2 A I want to finish.  
3 BY MR. MEROUEH:  
4 **Q Okay. Go ahead.**  
5 A The Bangladesh was the one that was up every year. It  
6 was one of the original group that we chose from the  
7 Census tract. Okay?  
8 And it always went right up next to Main Street  
9 Restaurant because the Albanian --  
10 **Q So the ones that you indicate every year was the ones you**  
11 **chose in the beginning?**  
12 A Yeah.  
13 **Q How about Croatia, do you recall who asked you to put up**  
14 **the Croatia flag?**  
15 A Well, it could have been -- no, I don't remember who.  
16 **Q Do you have it written down someplace?**  
17 A No, I don't --  
18 **Q Excuse me. How about the Egypt flag, do you recall who**  
19 **asked you about the Egypt flag?**  
20 A No.  
21 **Q Do you have it written down someplace?**  
22 A No.  
23 **Q How about the Armenian flag, do you have a record of**  
24 **where that was -- the same questions?**  
25 A No.

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- 1 **Q How about the Ethiopia flag, same questions?**  
2 A No. That was -- I think that came from the Census Tract,  
3 as well.  
4 **Q How about Iraq, same questions?**  
5 A Census Tract, probably.  
6 **Q What is the Census Tract? Oh, when you looked up the**  
7 **Census?**  
8 A Yeah.  
9 **Q Got it. How about Ireland?**  
10 A No. That was Katrina.  
11 **Q How about Jamaica?**  
12 A Actually, several people asked me. One of them was one  
13 of the owners of the Woodward Throwbacks on Joseph  
14 Campau.  
15 **Q Do you have that recorded someplace where he asked you?**  
16 **Or he or she?**  
17 A I didn't record it, no.  
18 **Q Do you remember when Cathy asked you about the Irish**  
19 **flag?**  
20 A I just remember her asking me, she and her husband.  
21 **Q You don't have it written down anywhere? You don't have**  
22 **it recorded anywhere?**  
23 A No. It was unnecessary.  
24 **Q How about the Pakistan flag?**  
25 A What about it?

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- 1 **Q Do you have it recorded anywhere who asked you and when?**  
2 A No. That might have come from the Census Tract too. I  
3 don't know.  
4 **Q How about the Philippines?**  
5 A Yeah. Philippines was a -- it was a woman that wanted  
6 it. She was from the Philippines and there were other  
7 folks that --  
8 **Q Do you have it recorded when and --**  
9 A No.  
10 **Q How about Romania?**  
11 A I don't know.  
12 **Q How about Russia?**  
13 A Why is this important?  
14 **Q How about Sicily?**  
15 A Yeah, I told you Sicily.  
16 **Q There you go.**  
17 A I explained it.  
18 **Q How about Somalia?**  
19 A Sicily the first year --  
20 **Q Yeah, you told us. Somalia?**  
21 A God, I can't remember his name. I remember the guy. I  
22 can picture his face.  
23 **Q Do you have a date and time?**  
24 A No. Is this necessary?  
25 **Q How about South Korea?**

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- 1 THE WITNESS: He's not answering my questions.  
2 A South Korea? No, I don't remember.  
3 BY MR. MEROUEH:  
4 **Q How about Turkey?**  
5 A Oh, yeah. Yeah, South Korea I do know. That's Jay  
6 from -- who owns Fat Sam and Sushi.  
7 **Q And did he -- do you have that written down, the date and**  
8 **time where --**  
9 A No, I don't have it written down and I don't have a date  
10 and time, no.  
11 **Q How about the pride flag?**  
12 A I gave you the whole rundown on that. You know how that  
13 started.  
14 **Q So Kathy Angerer asked you?**  
15 A Kathy Angerer started the process.  
16 **Q Kathy Angerer was the only politician out of all these to**  
17 **ask you to fly the flag; correct?**  
18 A Exactly.  
19 **Q Out of the rest of them, none of them were politicians?**  
20 A I don't believe so.  
21 **Q But Kathy Angerer, the politician, did ask you to fly the**  
22 **flag; correct?**  
23 A Yeah.  
24 **Q Okay. And, then, let's go back to that resolution from**  
25 **2013. You said that you had full authority to -- the**

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1 **Human Rights[sic] Relations Commission was granted full**  
 2 **authority to do what they wanted to with the flag poles;**  
 3 **correct?**  
 4 A Yeah. That was the impression. And nobody ever --  
 5 **Q That was your impression, but the words of the resolution**  
 6 **state, correct --**  
 7 A The resolution --  
 8 **Q I'm sorry.**  
 9 **Correct me if I'm wrong --**  
 10 **Please let me finish my question for the**  
 11 **record. Start it over again, for the record.**  
 12 **Correct me if I'm wrong. Does this resolution**  
 13 **from 2013 indicate that you would be restricted to**  
 14 **promoting the international character of the City of**  
 15 **Hamtramck with regards to the flag poles; is that**  
 16 **correct?**  
 17 A I don't know.  
 18 **Q Could you take a look, it's your Exhibit Number 5., the**  
 19 **third "Whereas," if you could read it for us.**  
 20 MR. SUSSELMAN: It's Exhibit Number 5.  
 21 A (Witness reviewing document.) Okay.  
 22 BY MR. MEROUEH:  
 23 **Q Could you read the "Whereas" the third "Whereas."**  
 24 A "Whereas, the Human Relations  
 25 Commission was met regularly -- has

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1 met regularly to plan valuable  
 2 activities to promote the international  
 3 character of the City of Hamtramck."  
 4 **Q Excuse me.**  
 5 A We did that over the years. We did.  
 6 **Q And so, therefore, you were asked to restore the flag**  
 7 **poles; correct?**  
 8 A Um-hmm.  
 9 **Q So out of all the flags that you provided me here in**  
 10 **Plaintiffs' Exhibit Number 16 --**  
 11 A Um-hmm.  
 12 **Q -- it seems to me there's only one flag that doesn't**  
 13 **promote the international character of the City; is that**  
 14 **correct?**  
 15 MR. SUSSELMAN: Form and foundation.  
 16 A Oh, that doesn't what? What do you mean?  
 17 BY MR. MEROUEH:  
 18 **Q All of the flags seem to promote the international**  
 19 **character of the City except for one; is that correct?**  
 20 A I --  
 21 **Q We can go down the list.**  
 22 A No. I don't understand what you mean.  
 23 **Q Well, then, I'm going to ask you some questions here.**  
 24 A Okay.  
 25 **Q Does the African Union represent the international**

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1 **character of the City of Hamtramck?**  
 2 A It's not a national flag, but there's 54 nations in  
 3 Africa, so yeah.  
 4 **Q How about the Albanian flag?**  
 5 A It's a country. Okay. I know where you're going with  
 6 this. So --  
 7 **Q So we're going to --**  
 8 **So how about Sicily? I know you made a big**  
 9 **hullabaloo about Sicily. How about Sicily?**  
 10 A It's not a country.  
 11 **Q It's not a country, but am I wrong in saying that it's an**  
 12 **autonomous region? Do you know what that is?**  
 13 A Yeah. It's an island that's got two different countries  
 14 represented that have two different nations.  
 15 **Q It's an autonomous region that represents itself. So, in**  
 16 **fact, it's an international -- it's international**  
 17 **brotherhood, so to speak.**  
 18 A Okay.  
 19 **Q So how about the pride flag?**  
 20 MR. SUSSELMAN: It's not accurate. It's part  
 21 of Italy.  
 22 MR. MEROUEH: We can take that up with the  
 23 judge.  
 24 BY MR. MEROUEH:  
 25 **Q The point being, out of all of them, the only one quite**

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1 **clearly not of an international character is the pride**  
 2 **flag; correct?**  
 3 MR. SUSSELMAN: Form and foundation.  
 4 A Gay folks aren't from outer space.  
 5 BY MR. MEROUEH:  
 6 **Q But they're all from countries, potentially, listed.**  
 7 A Well --  
 8 **Q But the pride flag, specifically, doesn't refer to a**  
 9 **nation; correct?**  
 10 A Doesn't have to.  
 11 **Q I'm asking. Does it?**  
 12 A It doesn't have to. It's not -- that's not what we're  
 13 talking about here.  
 14 If you're telling me that the folks -- the gay  
 15 folks come from outer space, which I think the Mayor  
 16 believes, then maybe you're right. But they're not.  
 17 It's international.  
 18 You can twist the words, you can make it  
 19 whatever you want, but it's bullshit.  
 20 **Q I'm hoping Mr. Susselman quotes you on that.**  
 21 A Me too.  
 22 **Q So that resolution we were just looking at, who granted**  
 23 **you that authority that it says that you have?**  
 24 A The City Council, of course.  
 25 **Q So did you think that you had full authority to fly**

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1 whatever flag you wanted?

2 A Yes.

3 Q The Nazi flag included?

4 A If we chose to do that, but we wouldn't.

5 Q So if you had chose to do it, you thought you had full

6 authority to do so, fly high and proud?

7 A Except that I'm sure that there would be --

8 First of all, there -- I mean, it's ludicrous.

9 There was no way we would put a Nazi flag up there. It's

10 a violent --

11 Q Well, you said that if people ask for it, you put it up.

12 So if somebody asks for the Nazi flag, would you put it

13 up?

14 A We'd put it up, but we -- if there was an issue, we'd

15 discuss it. And that would --

16 Q What does that mean?

17 A -- definitely be an issue.

18 Q What do you mean?

19 A What does it mean?

20 Q Yeah. Why would there be an issue?

21 A Because the Nazis were violent people and we don't want a

22 Nazi flag up there, that's why.

23 Q Who doesn't want one?

24 A I don't -- probably nobody in the City wants one.

25 Q "Probably." But I said if somebody asked you to put one

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1 we used those numbers. Okay?

2 And we voted on that as a Commission resolution

3 and we -- those are the flags we put up initially. And

4 then as time moved on, somebody wanted a flag up, if

5 there was no objections, we put it up.

6 Serbian flag was a big objection, so we didn't

7 put it up. That's it. It was plain and simple. It's

8 not as complicated as you're making it.

9 BY MR. SUSSELMAN:

10 Q Originally, you said you put up any flag anybody asks you

11 for; right?

12 A Unless there was an object -- unless there's some reason

13 not to. Yeah. I mean, there's no reason any of the

14 flags that we've put up there shouldn't be up there.

15 Q And who's the arbiter of what's okay and what's not okay?

16 Who decides?

17 A The community.

18 Q The community was at your meeting and talking to you

19 then?

20 A No. I mean, it's --

21 Q Who decides, Russ?

22 A What do you mean? I don't --

23 Who decides if a flag is okay?

24 Q Yes.

25 A The community. I mean, if we put it up and folks object

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1 up, would you put it up?

2 You said, "Yes, you'd do it and fly it proud.

3 A No, I never said that.

4 Q Then what would you do?

5 A We --

6 MR. SUSSELMAN: It's been asked and answered.

7 MR. MEROUEH: No, it has not.

8 MR. SUSSELMAN: Yes, it has.

9 A Well, I did before. I told you what we'd do is we'd get

10 a quorum in the Commission and we'd vote it down.

11 BY MR. MEROUEH:

12 Q But you've never had to get a quorum ever before;

13 correct?

14 A We've had quorums.

15 Q But to vote on a flag that you've had to get quorums to

16 vote them in? You said that it was an informal

17 process --

18 A It was.

19 Q -- where you discussed it briefly?

20 A No. What I said is the very first --

21 MR. SUSSELMAN: Let him answer.

22 A -- group of flags we put up, when we -- those we voted

23 on. That was the vote to -- when we initially went to

24 the Census Tract and we found groups of folks in

25 Hamtramck that represented different people that -- and

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1 to it -- but we don't --

2 Q So, hold on.

3 A You're making something out of nothing here.

4 Q Russ --

5 A The pride flag was put up because people asked for it.

6 Q But you just said if you put it up and people object to

7 it, you would take it down? Isn't that exactly what

8 happened?

9 MR. SUSSELMAN: Objection. You're misstating

10 what he said.

11 He referred to the community. And if you

12 attended the meeting -- actually, we have a recording of

13 it. The vast majority of the people --

14 MR. MEROUEH: I'm sorry, Mr. Susselman, you're

15 testifying.

16 MR. SUSSELMAN: The vast majority of the

17 people --

18 MR. MEROUEH: I'm objecting to this.

19 MR. SUSSELMAN: The vast majority of the

20 people --

21 MR. MEROUEH: We're going to have to go in

22 front of the judge.

23 MR. SUSSELMAN: They opposed pride. They

24 opposed the resolution. And the Council members opposed

25 what was said at that meeting.

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1 MR. MEROUEH: I'd like for the record, that  
 2 Mr. Susselman is yelling at the top of his lungs.  
 3 I would like on the record that I'm objecting  
 4 to this and that we're going to go in front of the judge  
 5 about his lack of ethics on your part and on the part of  
 6 your client yelling and screaming.  
 7 MR. SUSSELMAN: And you.  
 8 MR. MEROUEH: Okay.  
 9 MR. SUSSELMAN: And you.  
 10 MR. MEROUEH: If you say so.  
 11 BY MR. MEROUEH:  
 12 **Q Now, I'm going to repeat the question, Russ.**  
 13 **You said that you'd go to the community and if**  
 14 **there was any objections, you'd take it down --**  
 15 MR. SUSSELMAN: He didn't say that --  
 16 MR. MEROUEH: Excuse me. I'm sorry.  
 17 MR. SUSSELMAN: You're misstating his  
 18 testimony. He did not say anything --  
 19 MR. MEROUEH: I'm asking him the question. Let  
 20 him answer. Over and over again you're doing this at  
 21 every deposition.  
 22 MR. SUSSELMAN: You're misquoting him. Let him  
 23 answer. Then let him answer.  
 24 MR. MEROUEH: We're not having the Mayor's  
 25 deposition unless we go in front of the judge. This is

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1 absurd behavior.  
 2 MR. SUSSELMAN: Oh --  
 3 MR. MEROUEH: This is absurd.  
 4 MR. SUSSELMAN: All right. I'll bring a Motion  
 5 to Compel.  
 6 MR. MEROUEH: You can do whatever -- and I'm  
 7 bringing a motion to --  
 8 MR. SUSSELMAN: For what?  
 9 MR. MEROUEH: -- have you excluded from it. I  
 10 don't know. Even know at this point.  
 11 You're behavior is absurd. I might have you  
 12 grievanced[sic].  
 13 This is absurd, Marc. Come on, man.  
 14 You don't yell and scream at the top of your  
 15 lungs out of the blue for no reason.  
 16 MR. SUSSELMAN: You are.  
 17 MR. MEROUEH: Your client is answering --  
 18 MR. SUSSELMAN: You are.  
 19 MR. MEROUEH: No, I'm not.  
 20 MR. SUSSELMAN: Yeah, you are.  
 21 MR. MEROUEH: You're not liking his answers. I  
 22 get it.  
 23 MR. SUSSELMAN: No. I like his answers. He's  
 24 defending himself against your bar --  
 25

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1 BY MR. MEROUEH:  
 2 **Q Russ, can you answer the question.**  
 3 MR. SUSSELMAN: -- your barbarism.  
 4 MR. MEROUEH: Okay. My barbarism.  
 5 A We put up flags based on --  
 6 BY MR. MEROUEH:  
 7 **Q No, that's not my question. Let me just repeat my**  
 8 **question to you.**  
 9 A I heard the question.  
 10 **Q The question was you said that you'd go to the community.**  
 11 **If somebody had an objection after you flew it, you'd**  
 12 **discuss it. Similar to what --**  
 13 A No, I did not say that.  
 14 **Q Then what would you say? What are you going to do?**  
 15 A Okay. Going from the beginning.  
 16 We put up flags at the behest of people in the  
 17 community because they would like to be represented in  
 18 one way or the other.  
 19 If there was an issue with the flag, like, the  
 20 prospect of violence, we would have to discuss it within  
 21 the Commission and vote on it. The only time that ever  
 22 happened was with the Serbian flag.  
 23 There was no prospect of violence wrapped  
 24 around any other flags that went up. Nobody talked about  
 25 Iraq. We're going to tear down the Iraqi pole. Nobody

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1 ever made threats. There was never any danger that it  
 2 was --  
 3 **Q I'm sorry. Weren't there numerous pride flags being**  
 4 **ripped down throughout this time from people in the**  
 5 **community?**  
 6 A After the fact. After the --  
 7 **Q So -- okay. Let's go back here because you didn't answer**  
 8 **my question. And I know Mr. Susselman's going to blow**  
 9 **up, but --**  
 10 A I tried.  
 11 **Q -- here we go.**  
 12 **The Nazi flag, you said you'd fly it if it was**  
 13 **brought to you; right? You flew it, rather?**  
 14 A No, I didn't say that.  
 15 **Q I'm sorry. Let's say you did fly it.**  
 16 A We wouldn't fly it.  
 17 MR. SUSSELMAN: Form and foundation.  
 18 BY MR. MEROUEH:  
 19 **Q You wouldn't fly it. Why not?**  
 20 A Because there's -- because there was --  
 21 **Q What would be the process --**  
 22 A As soon as --  
 23 **Q Sorry. What would be the process from stopping it being**  
 24 **flown?**  
 25 A Can I finish?

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1 **Q Go ahead.**

2 A I start talking and you jump right in.

3 **Q Go ahead.**

4 A If somebody said they wanted the Nazi flag up, we would,  
5 obviously, understand that there's going to be a problem  
6 with this flag.

7 We'd have a meeting with a quorum and we'd  
8 decide not to put it up. It's as simple as that.

9 The same thing happened with the Serbian flag.  
10 Okay? We realized there was going to be a problem with  
11 this.

12 The problem, actually, was formulated. We had  
13 threats. We decided not to put it up.

14 If there was a flag that would present a  
15 potential of violence, or -- then we would -- we would  
16 probably have a meeting and decide not to put it up.

17 That's -- I mean, all I would say -- I mean,  
18 we did -- we operated in a reasonable way and nobody had  
19 any problems at all until the pride flag went up, no  
20 matter what we put up.

21 Nobody asked for the Nazi flag. Nobody had  
22 problems with the Iraqi flag. We put up flags that  
23 represented people in the community. Everybody was happy  
24 until the pride flag came up and then you see what's  
25 happened. And it --

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1 **Q So what did you mean that you'd go to the community if**  
2 **you had flown a flag that people had objections to? What**  
3 **were you talking about, since, apparently, I**  
4 **misunderstood?**

5 A I'm not sure what you mean. I mean, if --

6 **Q I said -- we were talking about the Nazi flag. You said**  
7 **if it was flown, the community would object --**

8 A Yeah.

9 **Q -- and then you'd reconsider it?**

10 A Yeah.

11 **Q Why didn't you do that with the pride flag? If people**  
12 **were objecting to it, why didn't you consider -- why**  
13 **didn't you vote on it with a quorum, like you just said?**

14 A Okay. Who objected to it? It was politicians that  
15 objected to it.

16 Well, I'm trying to answer your question.  
17 You're putting words in my -- you're telling me that  
18 people from the community came to me and didn't want to  
19 put the flag up. I'm sure that's the case.

20 And I think it's religious based and it has no  
21 place in legislation. Has nothing. Religion is not an  
22 issue here. Okay?

23 **Q So no citizens object to the pride flag in Hamtramck?**

24 A No. I'm sure, probably --

25 **Q You don't know?**

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1 A Well, I guess -- I mean, the Mayor's a citizen.

2 **Q I'm talking about nonpolitical citizens.**

3 **You're not aware of any --**

4 A Well --

5 **Q -- that object to the pride flag?**

6 A Actually, no --

7 MR. SUSSELMAN: You asked --

8 MR. MEROUEH: I'm asking the question, Marc.

9 MR. SUSSELMAN: Then specify a time frame.

10 BY MR. MEROUEH:

11 **Q While this pride flag was flown or thereafter.**

12 A I'm sure that there -- yeah, I'm aware of young kids who  
13 tore the pride flag down, and --

14 **Q So only young kids are opposed to it, in your mind right**  
15 **now?**

16 A No. I think it comes, probably, from adults. Their  
17 parents and stuff, yeah.

18 **Q So people in the community object to the flag, but you**  
19 **didn't have a meeting --**

20 MR. SUSSELMAN: No.

21 MR. MEROUEH: Excuse me.

22 MR. SUSSELMAN: No, that's not what he said.

23 "Some people."

24 BY MR. MEROUEH:

25 **Q "Some people" in the community object to the flag --**

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1 A Yeah.

2 **Q -- right?**

3 **How many people objected to the Serbian flag?**

4 **There was a member of the Council, or your**

5 **Commission that did; right? So one?**

6 A Oh, there was -- the -- okay. Step back.

7 What I had told you was that it's not just  
8 objections from the community. It's potentials for  
9 violence. It was a -- it was a situation that would have  
10 led to violence. Okay? We didn't do it.

11 I'm sure that putting up the Nazi flag would  
12 lead to violence.

13 **Q So you're not answering my question. How many people**  
14 **objected to the Serbian flag?**

15 A How many people? I don't know. I don't know.

16 **Q More than one?**

17 A I'm sure there were probably a bunch, yeah. Probably  
18 most of the Bosnian community here.

19 **Q They all talked to you and told you that?**

20 A No.

21 **Q So who told you?**

22 A I told you the whole fucking story. Why are you -- Jesus  
23 Christ.

24 **Q Who told you? Who came to you and told you?**

25 **Was it the person on your Commission that told**

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1       you this is a potential for an issue? This person's  
2       targeting me?  
3       A No. It was -- now, you're changing what I said too.  
4       I said the original request was --  
5       **Q From the Clerk's office?**  
6       A -- to give her a hard time.  
7       I think it was -- I don't know. I think it was  
8       from the Clerk's office.  
9       **Q So it's very important I understand this exact process.**  
10      A Okay.  
11      **Q Someone from the Clerk's office -- somebody from the**  
12      **Clerk's office requested the --**  
13      A You're trying to formalize a process that wasn't formal.  
14      **Q Excuse me.**  
15      A So --  
16      **Q You don't recall the series of events is what you're**  
17      **saying?**  
18      A Yeah, I pretty much do.  
19      **Q So the Clerk's office told you guys that there was a**  
20      **request --**  
21      A I don't know.  
22      **Q -- for the Serbian flag --**  
23      A I don't know.  
24      **Q My question is --**  
25      A I told you I didn't know where it came from. I think it

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1       was probably --  
2       **Q Okay. That's probably where it came from.**  
3       **Then what happened? Who objected once you**  
4       **received it?**  
5       A Well, I think different folks on the Commission started  
6       talking about is this -- is this a wise idea? And the  
7       member, in particular, she --  
8       **Q Who's that, the Bosnia member, you're saying?**  
9       A Yes. We had two Bosnian members at that point.  
10      She, in particular, said that somebody she knew  
11      had threatened to pull the pole down if the -- if the  
12      flag went up. So, I mean --  
13      **Q So based on -- based on -- you're saying already --**  
14      A So --  
15      **Q You're mentioning that --**  
16      A So --  
17      **Q -- Bosnian people have a bias against Serbians because of**  
18      **some horrific things that happened; correct?**  
19      And so you're taking the -- you're telling me  
20      that you took the word of people, two people --  
21      A Stop changing --  
22      **Q -- that have a bias that were on the Commission, so that**  
23      **you were being biased against the Serbians; isn't that**  
24      **right?**  
25      A Okay. First of all, I didn't finish what I was saying.

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1       There's bias all over the place. That's not what we're  
2       talking about.  
3       We're talking about potential for violence.  
4       Fuck the bias. That's not what I'm talking about.  
5       **Q So there was no potential for violence when it came to**  
6       **the pride flag when so many in the city --**  
7       A No.  
8       **Q -- were being -- were against it?**  
9       A No. I don't think so, no.  
10      **Q So who choses -- who decides this arbitrary line of**  
11      **whether or not there's enough violence to suggest that**  
12      **you should keep up a flag or not?**  
13      MR. SUSSELMAN: It's asked and answered. It's  
14      irrelevant to the lawsuit. Or to the case.  
15      BY MR. MEROUEH:  
16      **Q Answer the question, please.**  
17      MR. SUSSELMAN: He answered the question.  
18      MR. MEROUEH: Please read back the question.  
19      MR. SUSSELMAN: How long are you going to  
20      continue this tirade and show --  
21      MR. MEROUEH: There's no "tirade" here, Marc.  
22      MR. SUSSELMAN: Yeah, there is.  
23      MR. MEROUEH: You're not letting your client  
24      answer the question.  
25

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1       BY MR. MEROUEH:  
2       **Q Please answer --**  
3       MR. SUSSELMAN: He has answered --  
4       MR. MEROUEH: Can you repeat the question I  
5       asked him, please, so he can answer it?  
6       A I didn't see any potential for violence. I mean, in  
7       terms of the pride flag.  
8       BY MR. MEROUEH:  
9       **Q So you're the decider?**  
10      A Well, in that case, probably yes. I mean, we didn't  
11      have --  
12      Why are you smiling? I'm trying to answer your  
13      question and you smile and turn away. You don't want to  
14      hear the answer.  
15      **Q I'm listening, sir. I'm looking at my notes. You can**  
16      **answer while I look at my notes.**  
17      A This is bullshit. I mean, Jesus Christ. Act  
18      professional. Okay?  
19      **Q There is nothing --**  
20      A I know, there's nothing --  
21      **Q -- unprofessional about reading my notes.**  
22      A -- this whole God damn procedure here. Okay?  
23      **Q Something else.**  
24      A I mean, Jesus Christ. We're trying to do a fucking good  
25      thing here and you all just want to tear it down. You

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1 did. The flags are gone. We're trying to get them back  
 2 up again. This is a good thing. It's not bad.  
 3 Yeah, it's the little kid in the back seat.  
 4 It's not religious bigots.  
 5 **Q So let's go back.**  
 6 **The Hezbollah flag, what would happen if you**  
 7 **did that?**  
 8 MR. SUSSELMAN: Asked and answered.  
 9 A I don't know.  
 10 BY MR. MEROUEH:  
 11 **Q How about --**  
 12 MR. SUSSELMAN: Move on to something --  
 13 BY MR. MEROUEH:  
 14 **Q -- the Hamas flag?**  
 15 A I don't know. What?  
 16 **Q How about the Palestinian flag?**  
 17 A You know, why are we doing this? For what reason?  
 18 **Q I'm sorry.**  
 19 MR. MEROUEH: Can you instruct your client that  
 20 asking questions during his own deposition is not --  
 21 A I don't have answers to any of those questions because  
 22 they never happened. I don't fucking know.  
 23 BY MR. MEROUEH:  
 24 **Q So you're saying nobody would, potentially, ask for the**  
 25 **Palestinian flag?**

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1 A I don't know. Maybe they would.  
 2 **Q And what would you do?**  
 3 A I don't know.  
 4 **Q Would it be potential for violence?**  
 5 A Palestinian flag?  
 6 **Q Um-hmm.**  
 7 A I don't think so. It's -- if you talk about the Hamas  
 8 flag, okay, but there isn't one, okay, the Palestinian  
 9 flag or the Palestinian people.  
 10 **Q So you would fly that as a --**  
 11 A I don't know.  
 12 **Q Palestine's a country?**  
 13 A I don't know.  
 14 MR. MEROUEH: I was trying to see if he could  
 15 give me some insight.  
 16 A Okay. I don't have an answer for you because it hasn't  
 17 happened. When it happens, you know, if there's --  
 18 MR. SUSSELMAN: Well, first of all, it's not  
 19 even -- he's not even on the Commission anymore. He's  
 20 not in a position --  
 21 MR. MEROUEH: We're talking about when he was  
 22 on the Commission, Marc.  
 23 A And I get that. Okay?  
 24 And if somebody had proposed putting up the  
 25 Palestinian flag, we'd treat it like any other. And

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1 most, likely, it would go up, but I don't know. I don't  
 2 know.  
 3 BY MR. MEROUEH:  
 4 **Q How about the ISIS flag?**  
 5 A I mean, you just -- this and --  
 6 MR. SUSSELMAN: Just answer.  
 7 A -- the Nazi flag.  
 8 MR. SUSSELMAN: Answer to the best of your  
 9 ability. Just answer to the best of your ability.  
 10 A I have -- well, it probably wouldn't go up, no. But I  
 11 don't -- I mean, it hadn't occurred.  
 12 BY MR. MEROUEH:  
 13 **Q How about the North Korean flag?**  
 14 A I doubt if there's anybody from North Korea in Hamtramck.  
 15 But, no, it probably wouldn't go up either.  
 16 **Q Why not if it's an international character --**  
 17 A Probably, because it hasn't happened, and we haven't --  
 18 nothing -- there's been no repercussions.  
 19 **Q But you're saying probably it won't, even though --**  
 20 A Probably won't.  
 21 **Q -- you're telling me --**  
 22 MR. SUSSELMAN: Form and foundation.  
 23 MR. MEROUEH: Okay. I'm sorry. Okay. That's  
 24 your right.  
 25

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1 BY MR. MEROUEH:  
 2 **Q So what I'm saying is you're saying -- your answer was**  
 3 **probably not to the North Korean flag; correct?**  
 4 A Yeah. I'm just guessing.  
 5 **Q You think there would be violence and so that's why you**  
 6 **would deny it?**  
 7 A I guess. I don't know. I'm not denying it.  
 8 **Q So you do know. You're saying that you'd choose --**  
 9 A I said "probably not," just because I know how people  
 10 feel. And in the -- in this Commission. You know, the  
 11 Commission doesn't even exist anymore. But if the  
 12 Commission existed, if we were talking about it, I don't  
 13 know. Maybe it wouldn't be a problem. I don't know.  
 14 **Q Do you know if any other Commission members were ever**  
 15 **approached about flying flags or was it just you on the**  
 16 **ladder?**  
 17 THE WITNESS: Were you on the Commission when  
 18 the -- you weren't on the Commission then.  
 19 A Honestly, I don't remember. Probably, just me on the  
 20 ladder, but I couldn't tell you for sure.  
 21 MR. SUSSELMAN: What was the question?  
 22 A If any other Commission members were asked to put up  
 23 flags by community members.  
 24 MR. SUSSELMAN: Oh, physical. Okay.  
 25 A I don't remember.

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1 MR. SUSSELMAN: He testified he did it by  
2 himself.  
3 A I don't remember.  
4 BY MR. MEROUEH:  
5 **Q So was there ever any occasion for the City Council, or**  
6 **the Mayor, or the City Manager to get involved in the**  
7 **flag decisions?**  
8 MR. SUSSELMAN: Asked and answered.  
9 A Not until the pride flag issue.  
10 BY MR. MEROUEH:  
11 **Q Would you consider that the Flag Commission -- I mean,**  
12 **the Human Rights[sic] Commission was doing a good job --**  
13 A Yes.  
14 **Q -- with the flags?**  
15 A We absolutely were.  
16 **Q So there was no occasion for them to come in and**  
17 **complain; correct?**  
18 A Right. We put up flags of nations, groups.  
19 **Q They were pleased with what you were doing?**  
20 A Nobody said one way or the other, but I'm sure they were  
21 because the community was pleased and they wanted to get  
22 re-elected.  
23 **Q Let's say you were -- you had to go step off the**  
24 **Commission and somebody else took your spot, and they**  
25 **flew the Nazi flag and they wouldn't take it down.**

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1 MR. SUSSELMAN: Objection. Hypothetical. It  
2 never happened.  
3 MR. MEROUEH: Okay. It's a hypothetical.  
4 BY MR. MEROUEH:  
5 **Q If you were off the Commission, they flew -- somebody --**  
6 **the new Human Rights[sic] Relations Commission flew the**  
7 **Nazi flag, would you support that?**  
8 A No.  
9 **Q Would you support the City Council intervening and trying**  
10 **to have it removed?**  
11 MR. SUSSELMAN: Form and foundation.  
12 Hypothetical.  
13 A Yeah.  
14 BY MR. MEROUEH:  
15 **Q Yeah, you would support them intervening and having it**  
16 **removed?**  
17 A I'd probably be active in trying to make it happen, yeah.  
18 **Q And if the new head of the Human Rights[sic] Relations**  
19 **Commission refused to take it down, or flew it back up**  
20 **after it was taken down, would you support the Council if**  
21 **they removed that person from their position?**  
22 MR. SUSSELMAN: Speculation. Form and  
23 foundation.  
24 A I see where you're going with this, but, I mean, the Nazi  
25 flag? Sure. I mean, I don't -- it's ludicrous. Of

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1 course.  
2 Pride flag is not the Nazi flag. You cannot  
3 draw a parallel no matter how hard you try.  
4 MR. MEROUEH: All right. I think I'm done.  
5 ---  
6 RE-EXAMINATION  
7 BY MR. SUSSELMAN:  
8 **Q Russ, you've already testified you don't equate the pride**  
9 **flag to the Nazi flag; correct?**  
10 A Correct.  
11 **Q Would you compare to it the ISIS flag?**  
12 A Possibly. I mean, it's -- yeah. I mean, it's -- violent  
13 groups are not -- I mean, I --  
14 **Q Well, I mean, are members of the gay community a violent**  
15 **community?**  
16 A No. Well, I'm sure there's probably somebody who's gay  
17 who's probably done something violent, I'm pretty sure.  
18 **Q But overall, based on your --**  
19 A Of course not.  
20 **Q Do you know people in the gay community in Hamtramck?**  
21 A Of course.  
22 **Q As a rule, do they tend to be violent people?**  
23 A No.  
24 **Q Do you equate the pride flag to the -- if there were a**  
25 **Hezbollah flag, would you equate it to that?**

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1 A No.  
2 **Q They've been designated a terrorist organization. Could**  
3 **you equate the pride flag to any terrorist organization?**  
4 A No.  
5 **Q Did the people on the Commission, when the pride flag was**  
6 **raised in 2022, were other people on the Commission aware**  
7 **that it was being raised, on the Human Relations**  
8 **Commission?**  
9 A Yes.  
10 **Q Did any of them say that -- did any of them oppose**  
11 **raising the flag?**  
12 A No.  
13 **Q Did any of them caution that it's going to cause**  
14 **violence?**  
15 A No.  
16 MR. SUSSELMAN: I have no further questions.  
17 ---  
18 RE-EXAMINATION  
19 BY MR. MEROUEH:  
20 **Q How about the Confederate flag?**  
21 MR. SUSSELMAN: It's outside of the scope of my  
22 cross. Forget it. You're not allowed to ask. You're  
23 outside the scope.  
24 MR. MEROUEH: You just asked about -- you just  
25 asked about flags --

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<p style="text-align: center;">Russell Gordon</p> <p style="text-align: right;">Page 106</p> <p>1 MR. SUSSELMAN: I didn't ask about --</p> <p>2 MR. MEROUEH: -- right?</p> <p>3 MR. SUSSELMAN: I didn't ask --</p> <p>4 MR. MEROUEH: You just asked about other flags</p> <p>5 that were of religious --</p> <p>6 MR. SUSSELMAN: I'm going to move to strike.</p> <p>7 It's beyond the scope.</p> <p>8 MR. MEROUEH: You can move to strike.</p> <p>9 MR. SUSSELMAN: It's absolutely --</p> <p>10 MR. MEROUEH: You can move to strike. I want</p> <p>11 to hear his answer. You can move to strike and you can</p> <p>12 tell the judge.</p> <p>13 MR. SUSSELMAN: No. Don't answer. Take it up</p> <p>14 with the judge. Don't answer.</p> <p>15 MR. MEROUEH: Marc, the way that you're</p> <p>16 behaving is not okay.</p> <p>17 MR. SUSSELMAN: It's beyond the scope of my</p> <p>18 redirect. You're not allowed to ask questions outside</p> <p>19 the scope.</p> <p>20 I'm instructing him --</p> <p>21 MR. MEROUEH: I'm going to file a motion.</p> <p>22 MR. SUSSELMAN: Take it up with the judge.</p> <p>23 MR. MEROUEH: We're done. We're done.</p> <p>24 (Concluded at 12:58 p.m.)</p> <p>25 ---</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>	<p style="text-align: center;">Russell Gordon</p> <p style="text-align: right;">Page 107</p> <p>1 STATE OF MICHIGAN )</p> <p>2 ) SS.</p> <p>3 COUNTY OF WAYNE )</p> <p>4 CERTIFICATE OF NOTARY PUBLIC</p> <p>5 I, Sharon Julian, a duly commissioned and</p> <p>6 qualified Notary Public for the County of Wayne, State of</p> <p>7 Michigan, do hereby certify that the witness, whose</p> <p>8 attached testimony was taken by me in the entitled cause</p> <p>9 on Tuesday, April 16, 2024, was by me first duly sworn to</p> <p>10 testify the whole truth in the aforesaid cause, that the</p> <p>11 testimony contained herein was taken down by me in</p> <p>12 machine shorthand, transcribed upon a computer under my</p> <p>13 personal supervision, and is a true and correct</p> <p>14 transcript of the whole of the testimony given by said</p> <p>15 witness.</p> <p>16 I do further certify that I am not connected by</p> <p>17 blood or marriage with any of the parties or their</p> <p>18 attorneys; that I am not an employee of any of them nor</p> <p>19 interested directly or indirectly in the matter in</p> <p>20 controversy, as counsel, attorney, or otherwise.</p> <p>21 IN WITNESS WHEREOF, I have hereunto set my hand</p> <p>22 at Dearborn, County of Wayne, State of Michigan, this</p> <p>23 30th day of April, 2024.</p> <p>24</p> <p>25</p> <p style="text-align: center;">Sharon Julian, CSR-3915 Certified Shorthand Reporter Registered Professional Reporter Notary Public, Wayne County, Michigan My Commission expires: January 21, 2027 ---</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>
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## **EXHIBIT 22**



**Amer Ghalib**

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

Case No. 23-12812

RUSS GORDON and CATHY STACKPOOLE,

Plaintiffs,

Hon. David Lawson

vs.

THE City OF HAMTRAMCK, THE HAMTRAMCK  
City COUNCIL, and MAYOR AMER GHALIB  
in his official capacity, only.

Defendants.

---

The Deposition of AMER GHALIB, a Defendant  
herein, taken pursuant to Notice of Taking Deposition  
before Sharon Julian, CSR-3915, Registered Professional  
Reporter and Notary Public in the County of Wayne, State  
of Michigan, at 3401 Evaline Street, Hamtramck, Michigan,  
on Friday, June 14, 2024, commencing at about 10:12 a.m.

APPEARANCES:

MARC M. SUSSELMAN, ESQ. P29481  
43834 Brandywyne Road  
Canton, Michigan 48187  
734-416-5186  
marcsusselman@gmail.com

For Plaintiffs.

ODEY MEROUEH, ESQ. P76460  
Meroueh & Hallman, LLP  
14339 Ford Road  
Dearborn, Michigan 48126  
313-582-7469  
okm@mhatlaw.com

For Defendants.

PRESENT: Russ Gordon and Catrina Stackpoole.

Amer Ghalib

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2 INDEX

3 WITNESS: AMER GHALIB PAGE

4 Examination By Mr. Susseلمان 3

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8 ---

9

10 EXHIBITS

11 (Attached/Scanned)

Deposition Exhibit	Description	Page Marked
17	Notice of Deposition	4

13

14

15

16 ---

17

18

19

20

21

22

23

24

25

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1 (Exhibit 17 was marked for identification.)

2 BY MR. SUSSELMAN:

3 **Q This is the Notice of Deposition. Have you seen this?**

4 A (Witness reviewing document.) Yeah, I've seen this.

5 **Q You'll see it asks that you bring certain documents with**

6 **you; three categories. First:**

7 "Any and all documents, including

8 letters, memoranda, any e-mails, text

9 messages, and notes relating to the

10 Hamtramck flag display policy and practice

11 during the years 2013 to 2024, not

12 protected by the attorney-client

13 privilege."

14 **Have you brought such documents with you?**

15 A I don't think I have any documents.

16 **Q Did you look for them?**

17 A I did. I mean, the only thing is a couple e-mails with

18 the -- regarding the draft of the resolution with the

19 City manager and attorney.

20 MR. MEROUCH: Which are covered by privilege.

21 A Yeah. Nothing else.

22 BY MR. SUSSELMAN:

23 **Q "Any and all documents, including**

24 **letters, memoranda, e-mails, text**

25 **messages, and notes relating to the**

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1 Hamtramck, Michigan

2 Friday, June 14, 2024

3 About 10:12 a.m.

4 ---

5 AMER GHALIB,

6 a Defendant herein, having been first duly sworn,

7 testified as follows:

8 EXAMINATION

9 BY MR. SUSSELMAN:

10 **Q Mayor Ghalib, have you ever been deposed before in a**

11 **case? Had a deposition?**

12 A No.

13 **Q So there's certain ground rules. I'll be asking you a**

14 **series of questions. Please answer verbally, not with**

15 **gestures or nods of the head.**

16 **If you don't understand a question, so indicate**

17 **and I'll try and clarify it.**

18 **Unless your counsel objects that what I'm**

19 **asking is protected by attorney-client privilege, you're**

20 **required to answer the question regardless whether you**

21 **think it's relevant.**

22 MR. SUSSELMAN: And first I want to mark

23 Exhibit Number 17, I believe it is?

24 COURT REPORTER: Correct.

25

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1 discussion and passage of Resolution 2023-82

2 not protected by the attorney-client

3 privilege."

4 **That's different than the first category. Have**

5 **you brought any of those?**

6 A No. I don't recall anything I have in my possession.

7 **Q The third category:**

8 Any and all documents, including

9 letters, memoranda, e-mails, text

10 messages, and notes relating to the

11 discussion and passage of

12 Resolution 2023-99, not protected by

13 the attorney-client privilege."

14 A No.

15 **Q Did you bring any of those?**

16 A No. I don't have any.

17 **Q Did you look for them?**

18 A Yeah. I used to communicate with everyone by phone. I

19 don't use text or --

20 **Q You don't use text or e-mails?**

21 A I mean, I do. But regarding these issues, I don't -- I

22 try to communicate by phone.

23 **Q By phone only?**

24 A Yeah.

25 **Q Okay. Tell us something about your background. Your**

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Amer Ghalib

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- 1 educational background.
- 2 A Well, I have a Bachelor Degree in Biological Science from
- 3 Wayne State as my premedicine program. And I did my four
- 4 years of medical school at Ross University School of
- 5 Medicine.
- 6 Q Cross? "Cross" did you say?
- 7 A Ross.
- 8 Q "Ross?"
- 9 A Yeah.
- 10 Q Where is that located?
- 11 A It's located in the Caribbean. Did the first two years
- 12 there.
- 13 And then the last two years I did it at
- 14 Sinai-Grace Hospital, clinical rotations.
- 15 Q Are you a licensed -- did you obtain a medical degree?
- 16 A Yeah, I didn't do my residency. So I also have a degree
- 17 in nursing. Bachelor Degree in Nursing, as well.
- 18 Q So you're not a licensed physician in Michigan?
- 19 A I am not.
- 20 Q Okay. And can you tell us something about your
- 21 employment over the last 30 or so years?
- 22 A Well, I worked in many places in the beginning. Gas
- 23 stations. Factories. And then after finishing my
- 24 medical school, I worked in a clinic here -- medical
- 25 clinic in Hamtramck and as supervision of Dr. Hassan.

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- 1 Q In what capacity were you working at that clinic?
- 2 A Well, just as a medical assistant. And I, you know, no
- 3 specific title, but I always work under supervision.
- 4 Q What's the name of that clinic?
- 5 A Hamtramck Medical Group.
- 6 Q And how long were you working there?
- 7 A About ten years, I would say. Well, I stopped two years,
- 8 so you could say eight years.
- 9 Q What did you stop for?
- 10 A Going back to school doing some other -- doing some other
- 11 schooling.
- 12 Q Medical school?
- 13 A No. I finished medical school in 2012, but I didn't get
- 14 certified, so -- and I was working, then I did other
- 15 schools online and stuff.
- 16 Q Okay. So you were working at the Hamtramck Medical
- 17 Group. You still working there?
- 18 A I still work there.
- 19 Q And that's as a medical assistant?
- 20 A Well, I have multiple titles now.
- 21 Q What are they?
- 22 A Well, including medical assistant, nursing. I do
- 23 everything within my scope of practice that's allowed.
- 24 Q You don't work there as a physician; correct?
- 25 A No. I'm not a certified physician.

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- 1 Q What is your legal residence?
- 2 A What do you mean?
- 3 Q Do you complete a Michigan tax return?
- 4 A Of course. Do you think I would be the Mayor if I'm not
- 5 a legal resident?
- 6 Q And do you complete the homestead schedule?
- 7 A What's that?
- 8 Q That's in order to get credit for your mortgage payments,
- 9 et cetera?
- 10 A Payments of what?
- 11 Q Mortgage.
- 12 A Well, I --
- 13 Q Wait a minute. Do you own the home you live in?
- 14 A I just bought a house four months ago. It was my first
- 15 own house.
- 16 Q And where is that located?
- 17 A In Callender Street, Hamtramck.
- 18 Q Calinda?
- 19 A Callender.
- 20 Q And before that where did you live?
- 21 A I used to rent.
- 22 Q And where did you rent?
- 23 A Maybe for the past ten years I worked - I lived in Naple
- 24 Street, which is also in Hamtramck.
- 25 Q In Hamtramck?

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- 1 A Yes.
- 2 Q So as long as you've been Mayor have you lived in
- 3 Hamtramck? Legal residence and grew up in Hamtramck as
- 4 long as you were Mayor?
- 5 A I have never lived outside of Hamtramck since I came to
- 6 the U.S. except when I went to school outside the state.
- 7 Q Okay. What positions have you held in government in
- 8 Hamtramck?
- 9 A Mayor only.
- 10 Q And when did you become Mayor?
- 11 A November 2021. Started January 2022. So I won the
- 12 election in November, took the office in January '22.
- 13 Q Okay. Before that you had not held a position in
- 14 Hamtramck government at all?
- 15 A No.
- 16 Q I'm going to show you what has been marked as Plaintiff's
- 17 Exhibit Number 12 and ask you have you seen this before?
- 18 A (Witness reviewing documents.)
- 19 MR. SUSSELMAN: Did I give you more than one?
- 20 THE WITNESS: They all look the same.
- 21 MR. SUSSELMAN: I gave you several?
- 22 THE WITNESS: Yeah.
- 23 MR. SUSSELMAN: Can I have one?
- 24 MR. MEROUCH: And I'll take the other.
- 25

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- 1 BY MR. SUSSELMAN:  
 2 **Q Okay. Do you recognize that document?**  
 3 A Yeah.  
 4 **Q Okay. Is that your signature at the bottom?**  
 5 A Yes.  
 6 **Q First page?**  
 7 A Yes.  
 8 **Q In the second paragraph on the first page you state:**  
 9 "On more than one occasion, prior  
 10 to the enactment of the resolution  
 11 clarifying the flags permissible to  
 12 be flown on City flagpoles, myself  
 13 and other members of City Council  
 14 have denied various residents of the  
 15 City of Hamtramck who requested  
 16 their flag of choice be flown on City  
 17 flagpoles by the Hamtramck Human  
 18 Relations Commission."  
 19 So this is after you were elected and started  
 20 serving in January of 2022; correct?  
 21 A Yes.  
 22 **Q And prior to that you'd never been in Hamtramck**  
 23 **government; right?**  
 24 A No. Yes.  
 25 **Q Could you please identify the City Council members who**

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- 1 **you refer to in your Affidavit as having discussions**  
 2 **about displaying the flags on the flagpoles on Joseph**  
 3 **Campau Avenue?**  
 4 A Well, I used to discuss it with them, but not all  
 5 together because it would be a violation of the Open  
 6 Meeting Act. So City Council, all of them are aware of  
 7 this; all the six members.  
 8 But like I said, I would not hold a discussion  
 9 with all of them at once.  
 10 **Q So you're aware that the policy regarding displaying**  
 11 **flags on Joseph Campau Avenue existed before you became**  
 12 **Mayor; correct?**  
 13 A Yes. And I remember a resolution that was passed to  
 14 specify the rules in 2013.  
 15 **Q But prior to you becoming Mayor, you had not had any**  
 16 **discussions with any members of the City Council at that**  
 17 **time regarding the policy relating to display of the**  
 18 **flags; correct?**  
 19 A Well, it wasn't an issue before I became a Mayor.  
 20 **Q Well, you're aware they were displaying flags on Joseph**  
 21 **Campau Avenue before you became Mayor?**  
 22 A The resolution stated that those flags reflect the --  
 23 **Q I'm not asking you that, sir.**  
 24 **Isn't it true that prior to becoming Mayor you**  
 25 **did not have any discussions with anybody, particularly**

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- 1 **on the City Council, regarding the policy of displaying**  
 2 **flags on Joseph Campau Avenue?**  
 3 A I did.  
 4 **Q You did before you were Mayor?**  
 5 A I mean, as a resident --  
 6 **Q Yes.**  
 7 A -- discussing with some City Councils that were in there  
 8 because I used to attend the City Council meeting. So  
 9 the flag was voted on in 2021 to be flown in front of the  
 10 City Hall. That's when every residents[sic] in Hamtramck  
 11 was involved in discussing  
 12 **Q Were you at the hearing when that resolution was passed?**  
 13 A No, I wasn't physically in there.  
 14 **Q How were you, then, if you weren't there physically?**  
 15 A Well, I heard about it.  
 16 **Q Okay.**  
 17 A Because one of the Council members was, you know,  
 18 notifying us about what's happening. He used to post on  
 19 social media, so that's how we found it.  
 20 **Q Who was that City Council member who posted?**  
 21 A Councilman Saad Almasmari.  
 22 **Q "Saad?"**  
 23 A Yes. He used to tell the public about the outcomes of  
 24 every Council meeting.  
 25 **Q Okay. And did you talk to him about that resolution?**

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- 1 A We discussed when the resolution was voted on to fly the  
 2 flag in front of City Hall.  
 3 **Q Who's "we"?**  
 4 A The residents of Hamtramck.  
 5 **Q "The residents?"**  
 6 A (Witness shakes head yes.)  
 7 **Q Okay. Not City Council members?**  
 8 A Well, one City Council was informing us about what's  
 9 happening in the Council meetings, and then we will  
 10 discuss with each other. That's the only way I was  
 11 involved before I became the Mayor. Just as a right of  
 12 every residents[sic] do discuss what's going on in the  
 13 City.  
 14 **Q But that was prior to you becoming Mayor?**  
 15 A Yes. In the capacity of residents of Hamtramck City.  
 16 **Q Well, what was your understanding what the policy was**  
 17 **before you became Mayor?**  
 18 A I'm sorry?  
 19 **Q What was your understanding of what the policy was**  
 20 **regarding displaying flags on Joseph Campau Avenue before**  
 21 **you became Mayor?**  
 22 A Well, I knew that it would -- the resolution was passed  
 23 to allow flying the flags to reflect the international  
 24 character of the City. That's what's written on that  
 25 resolution. So, basically, countries which immigrants

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1 came from.

2 **Q So, I believe, this is Plaintiff's Exhibit Number 5.**  
3 **It's Resolution 2013-102.**

4 **Is this the resolution you're referring to?**

5 A (Witness reviewing document.) Yes.

6 In paragraph 3, the statement I just referred

7 to:

8 "Activities to promote the  
9 international character of the City  
10 of Hamtramck."

11 That's what I'm referring to.

12 **Q In your Affidavit, you state:**

13 "On more than one occasion,  
14 prior to the enactment of the  
15 resolution clarifying the flags  
16 permissible to be flown on City  
17 flagpoles, myself and other members  
18 of City Council have denied various  
19 residents of the City of Hamtramck  
20 who requested their flags of choice  
21 to be flown on City flagpoles by  
22 the Hamtramck Human Relations  
23 Commission."

24 **So this was after you became Mayor? It was**  
25 **after January of 2022; correct?**

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1 A Correct.

2 **Q Can you tell me what flags you and other City Council**  
3 **members rejected permission to fly on City flagpoles**  
4 **after you became Mayor?**

5 A So, first, that's referring to Resolution 82, not to this  
6 resolution. That's for clarifying.

7 **Q So, I believe, you're referring to Plaintiff's Exhibit**  
8 **Number 6, if you look at that. Tell me, is that the**  
9 **resolution you're referring to?**

10 A (Witness reviewing document.)

11 Yes, this is the one.

12 **Q That's the resolution. So as I understand your**  
13 **testimony, after that resolution was passed, you recall**  
14 **various individuals approaching you and other members of**  
15 **City Council about displaying certain flags, and you and**  
16 **other City Council members told them: No, we're not**  
17 **going to display that flag that you requested. That was**  
18 **after this resolution was passed?**

19 A It was before and after. Residents -- because this was  
20 passed --

21 MR. MEROUCH: Yeah, I'm going to object. You  
22 mischaracterized his testimony.

23 According to the Affidavit, it says "prior to  
24 the enactment of the resolution." You just mentioned  
25 that it was after, so --

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1 MR. SUSSELMAN: That's what he testified to.

2 MR. MEROUCH: Excuse me.

3 MR. SUSSELMAN: Because that was what he  
4 testified to. It was after. That's why I wanted to  
5 clarify it.

6 MR. MEROUCH: All right. Well, I objected, so  
7 continue.

8 MR. SUSSELMAN: Okay.

9 BY MR. SUSSELMAN:

10 **Q So my question is prior to the enactment of that**  
11 **resolution, which is Plaintiff's Exhibit Number 6, I**  
12 **believe, whom had you and other City Council members**  
13 **told, before the resolution was passed, that you were not**  
14 **going to allow them to display flags on Joseph Campau**  
15 **Avenue?**

16 **Who are they? When did you tell them that?**

17 **And how often did you tell them that?**

18 MR. MEROUCH: Objection. Compound.

19 BY MR. SUSSELMAN:

20 **Q Well, who were they?**

21 A Well, there are -- there were many of them. Some of them  
22 attending the City Council meeting we discussed in this  
23 resolution, and it's documented there.

24 And I remember one of them that I ended up  
25 translating his statement. He said, "I want to fly a

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1 flag that says there's no God but Allah and Mohammed is  
2 the messenger of hope." And it's documented in the City  
3 Council meeting. That's there.

4 **Q And you were the person that translated? He spoke in**  
5 **Arabic?**

6 A He spoke in Arabic and I translated, and it's there.

7 **Q Several people spoke in Arabic at that meeting?**

8 A This is one of them who requested to fly a flag. That  
9 was your question.

10 **Q Yeah.**

11 A But there's tons of them.

12 **Q So hold -- hold on.**

13 MR. MEROUCH: Objection. He was answering your  
14 question.

15 BY MR. SUSSELMAN:

16 **Q Go ahead, finish your answer.**

17 A There were tons of members of the community who did not  
18 speak in that meeting but reach out to me and say: Hey,  
19 if this flag is flying, then we have other flags that we  
20 want to fly as well.

21 And, so, I realized that what Russ did, opened  
22 a bag of worms for us, and I decided, with the City  
23 Council member, that this is going to open the door for  
24 extremist groups, and radicals, and racist groups to ask  
25 to fly their flag.

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- 1 **Q** When you say "what Russ did," you're referring to  
 2 **Mr. Gordon?**  
 3 A Yes. Because --  
 4 **Q** What did he do that opened the door, as you put it?  
 5 A He flew the flag without consulting any of us.  
 6 **Q** Which flag?  
 7 A LGBT flag.  
 8 **Q** Which is commonly known as the pride flag?  
 9 A Yes. On June 2022, for the first time Joseph Campau, in  
 10 a individual capacity, without consulting the government,  
 11 taking his order from the former power structure, former  
 12 Mayor, and flew the flag.  
 13 And we met after that in this room. Tried to  
 14 resolve the problem. And I took the blame from the  
 15 community because they told it's my decision.  
 16 Then I decided to maintain unity of the  
 17 community and not to divide the community, to keep the  
 18 flag flying. For four months we kept it, although it --  
 19 **Q** You're referring to the pride flag?  
 20 A Yes. So we kept it flying for four months. And I took  
 21 the heat from the community because of his individual  
 22 act.  
 23 And I did that so I don't divide the community  
 24 and cause harm to the community. So I kept it flying for  
 25 four months, but I told him next year we have to do it

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- 1 the right way. You have to have a meeting with the Human  
 2 Relation Commission. You have to have a quorum. You  
 3 have to decide.  
 4 To help him to do that, I added more members to  
 5 the Human Relation Commission, including her(indicating).  
 6 And I know she is on LGBT --  
 7 **Q** Miss Stackpoole when you refer to "her"?  
 8 A Yes, Mrs. Stackpoole.  
 9 **Q** Right.  
 10 A And I knew that she is LGBT advocate --  
 11 **Q** Yeah.  
 12 A -- but I wanted to help him so he can do the right thing  
 13 in the right way.  
 14 **Q** By "right," what do you mean by "right"?  
 15 A To have a meeting and a quorum and -- when he make a  
 16 important decision like this. Not to do it on an  
 17 individual capacity. Especially, when it comes to a  
 18 controversial issue like this. You cannot undermine the  
 19 Mayor and Council and act, you know, alone and take your  
 20 order from the former power structure.  
 21 So, basically, it was a conflict of power. It  
 22 was a political conflict. There was shadow government.  
 23 **Q** "Shadow government?"  
 24 A Yes. Giving him the orders. And the Mayor and Council  
 25 had nothing to do with that. So we wanted it to be done

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- 1 the right way.  
 2 In 2021 when they flew that flag in front of  
 3 City Hall, the Art and Culture Commission -- it's written  
 4 in the resolution -- asked for permission from City  
 5 Council and Mayor to fly the flag in front of the City  
 6 Hall.  
 7 **Q** What flag are you referring to, sir?  
 8 A The pride flag. So they voted on it. It was tied  
 9 three-three. The former Mayor broke that tie. That's  
 10 the legal and correct process to go.  
 11 What he did, he ignored the whole process. And  
 12 in his individual capacity he went and he flew the flag  
 13 without coming back to us. Should have been done just  
 14 like they did it the year before.  
 15 **Q** I don't answer questions in depositions.  
 16 MR. MEROUCH: He wasn't asking a question. He  
 17 was making a statement.  
 18 A I was explaining the process. What started the issue.  
 19 BY MR. SUSSELMAN:  
 20 **Q** So are you aware that before the pride flag was  
 21 displayed, there were flags displayed on Joseph Campau  
 22 Avenue for the African Union, Albania, Bangladesh,  
 23 Armenia, Bosnia, Croatia, Egypt, Ethiopia, Iraq, Ireland,  
 24 Jamaica, Lebanon, Macedonia, Mexico, Pakistan, the  
 25 Philippines, Poland? The pride flag was displayed before

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- 1 the resolution was passed? Or banning it. Romania,  
 2 Russia, Sicily, Somalia, South Korea, Turkey, Ukraine,  
 3 U.S. A and Yemen.  
 4 So did you receive any objections about any of  
 5 the other flags, other than the pride flag, before the  
 6 resolution was passed?  
 7 A So, this is misinformation because the pride flag -- I  
 8 just explained how it was displayed in June 2022 when I  
 9 became the Mayor. Before then, it was never displayed on  
 10 Josephs Campau.  
 11 **Q** The pride flag?  
 12 A Um-hmm.  
 13 **Q** But I'm asking you, these other flags, sir --  
 14 A Yeah, but you included the pride flag in there.  
 15 **Q** These others flags, sir --  
 16 A They used to be --  
 17 **Q** -- that had been displayed before, before the resolution,  
 18 do you know, from personal knowledge, whether Mr. Gordon  
 19 had obtained permission from the City Council to display  
 20 those other flags?  
 21 A He was given a permission by this Resolution 2013-102 to  
 22 display the flags that reflect the international  
 23 character of the City, which means the country's flag,  
 24 which you almost counted every one of them except one  
 25 flag that's not a country flag, which is the pride flag.

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1 But it wasn't done before I became the Mayor.  
 2 That's why he never had an issue. When I became the  
 3 Mayor --  
 4 **Q When you say "he"?**  
 5 A Russ.  
 6 **Q Yes.**  
 7 A Yes. So when I became the Mayor, the former power  
 8 structure started playing the game on controversial  
 9 issues to undermine my power. To destroy -- to destroy  
 10 my political career with the community.  
 11 **Q So is it your testimony that you believe that**  
 12 **Mr. Gordon's actions were taken -- that the objective of**  
 13 **Mr. Gordon's actions in displaying the pride flag were to**  
 14 **undermine your authority as Mayor?**  
 15 A That's one of many. The second one I mentioned that he  
 16 never held a meeting for the Human Relations that he was  
 17 the chair of.  
 18 When you have a meeting, you have to have a  
 19 quorum. Then you have to have a members' vote on any new  
 20 resolution. That wasn't the case.  
 21 The second one is just to follow the same  
 22 process when they displayed the pride flag in front of  
 23 the City Hall. Any board or commission has to ask for  
 24 permission from the City Council. He did not do that,  
 25 like the Art and Culture Commission did in 2021 before I

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1 speculation. Calls for a legal conclusion. But you can  
 2 answer.  
 3 A Well, some would argue that these members of the  
 4 community belongs to these various countries that are  
 5 represented in those flags. Some of the LGBT members  
 6 will be from Poland; from Bangladesh; from Macedonia;  
 7 from Lebanon; from America. They all already are  
 8 represented by these flags.  
 9 And when you have group flags, then you would  
 10 have other groups that could be religious, extremists,  
 11 radicals, racists, they would ask to fly their flags as  
 12 well. And we have evidence for that as well.  
 13 BY MR. SUSSELMAN:  
 14 **Q Prior to the display of the pride flag and any flags of**  
 15 **those other organizations that you refer to, I think, as**  
 16 **radical, had they been displayed?**  
 17 A No, not that I remember.  
 18 **Q Was -- are the display of pride flag an issue during your**  
 19 **campaign for Mayor?**  
 20 A Can you repeat the question, please?  
 21 **Q Was the display of the pride flag an issue during your**  
 22 **campaign for Mayor?**  
 23 A The vote on displaying the pride flag in front of City  
 24 Hall happened during my campaign. It was a point of  
 25 discussion in all the debates, definitely, between the

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1 became the Mayor.  
 2 So what has changed? The Mayor changed, so  
 3 everything else has to change?  
 4 **Q Well, let me ask you.**  
 5 **First of all, what's your understanding of what**  
 6 **the pride flag represents?**  
 7 **What does the pride flag represent?**  
 8 A It represents the -- I mean, my understanding, it  
 9 represent homosexual groups. Their right to exist and to  
 10 celebrate their diversity and existence.  
 11 **Q Okay. Diversity; right?**  
 12 A Um-hmm.  
 13 **Q So would you agree that there are people who support the**  
 14 **LGBTQ community and members of that community that come**  
 15 **from various nations around the world?**  
 16 A I do agree. And I even appointed some of them to my  
 17 boards and commissions. She is one of them.  
 18 **Q Okay. So, again, I'm trying to understand your position.**  
 19 **Your position is that the resolution**  
 20 **number 5 --**  
 21 **So since members of that community come from**  
 22 **various nations around the world, on what basis would you**  
 23 **say the pride flag can't be displaying the international**  
 24 **character of the City of Hamtramck?**  
 25 MR. MEROUCH: Objection. Calls for

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1 Mayors and candidates. But it was a hot topic, of  
 2 course, for the community.  
 3 **Q Did you object to displaying the pride flag in your**  
 4 **campaign?**  
 5 A I did not object. I have a comment that's documented  
 6 that I told the City Council on Zoom meeting that we have  
 7 other priorities that we need to focus on rather than  
 8 creating division in the community by discussing  
 9 unimportant topics. Why we have things to worry about,  
 10 like the infrastructure and other stuff.  
 11 So I did not -- my concern was that we had  
 12 other priorities to focus on.  
 13 **Q Are you aware that the Cherokee flag was displayed prior**  
 14 **to the display of the pride flag on Joseph Campau?**  
 15 A Whatever was done before I came to office --  
 16 **Q Yes.**  
 17 A -- was never questioned. When I came to office, I  
 18 started enforcing law and order.  
 19 He had no right to act on an individual  
 20 capacity to add flags or remove flags. He should have  
 21 held a meeting for every decision.  
 22 And he should have a quorum in every meeting  
 23 on -- what was the purpose of having a Human Relation if  
 24 he makes the decisions alone and was never --  
 25 The last meeting for the Human Relation was

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1 2021, and there was -- with no quorum at all. So I would  
 2 say he failed to bring the boards together and to have a  
 3 quorum whenever he decides on a new decision.  
 4 **Q Well, that was 2021 before you were Mayor. How do you**  
 5 **know he didn't do that?**  
 6 A Because he's the one who keeps saying: I am the one who  
 7 does them. You know, all these things alone; no one  
 8 else. Which that's illegal. You shouldn't have done  
 9 that.  
 10 You should have a group decision by your  
 11 commission that you are the chair of. If the former  
 12 Mayor allowed that to happen, then that was illegal.  
 13 **Q Well, you say the former -- the commission. The members**  
 14 **of the Human Relation Commission?**  
 15 A Yes. Yes.  
 16 **Q How do you know he didn't do that?**  
 17 A Okay.  
 18 MR. MEROUCH: I assume -- objection. Asked and  
 19 answered. He, literally, just answered that question.  
 20 A I just told you.  
 21 BY MR. SUSSELMAN:  
 22 **Q How do you know he didn't consult with other members of**  
 23 **the commission to approve the display of the pride flag?**  
 24 A Because he stated that -- himself that he is the one who  
 25 buy the flag, raise the flag, remove the flags alone, and

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1 he was -- the commission was dysfunctional. Ask him.  
 2 **Q Okay. I've spoken to him.**  
 3 **So you said he displayed the flags. He**  
 4 **manually displayed the flags on his own. That's not the**  
 5 **same as getting -- discussing what flags to display with**  
 6 **the commission itself.**  
 7 MR. MEROUCH: He didn't say "discussing."  
 8 Again, you're misrepresenting his testimony.  
 9 He said they didn't obtain a quorum as part of  
 10 the Human Relations Commission as required by the law.  
 11 BY MR. SUSSELMAN:  
 12 **Q How do you know that?**  
 13 MR. MEROUCH: Objection. Asked and answered  
 14 once again.  
 15 MR. SUSSELMAN: No. No, it's not.  
 16 MR. MEROUCH: It's the third time you asked the  
 17 question, Marc.  
 18 MR. SUSSELMAN: I'm going to ask him again.  
 19 BY MR. SUSSELMAN:  
 20 **Q You testified that you believe he acted alone because he**  
 21 **manually raised the flags alone by himself?**  
 22 A Um-hmm.  
 23 **Q How do you know he did discuss with the Human Relation**  
 24 **Commission members at a quorum whether to raise a**  
 25 **particular flag or not?**

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1 **You don't know that; do you?**  
 2 A No, I do.  
 3 **Q You do?**  
 4 A I do.  
 5 **Q You were at -- how do you know that?**  
 6 A He admitted multiple times.  
 7 **Q What did he say?**  
 8 A He said that: I am the one who does it. I never had a  
 9 quorum. We never had a meeting.  
 10 And the biggest evidence is the LGBT flag. He  
 11 did it without a quorum thinking that he can follow the  
 12 previous practice that he used to do without being  
 13 questioned. No. With the new leadership, you will be  
 14 questioned.  
 15 And just to add something. I fired three  
 16 members of one --  
 17 **Q No, no, no, that's not --**  
 18 A No. I want to show you how the previous practice --  
 19 **Q No. Tony can ask you that question, sir.**  
 20 MR. MEROUCH: Okay.  
 21 MR. SUSSELMAN: Don't answer questions I've not  
 22 asked.  
 23 A Well, okay.  
 24 MR. MEROUCH: He's just trying to respond to  
 25 your question.

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1 MR. SUSSELMAN: No, he wasn't.  
 2 MR. MEROUCH: Yes, he was.  
 3 A I just want to show you how the previous practice used to  
 4 be.  
 5 **Q I understand the previous --**  
 6 A You don't understand.  
 7 **Q I don't?**  
 8 A Yeah.  
 9 **Q Okay. Have you read any of the prior depositions in this**  
 10 **case, Mayor Ghalib?**  
 11 **Did you read -- well, did you read Mr. Gordon's**  
 12 **deposition?**  
 13 A I didn't.  
 14 **Q Did you read the former Mayor's deposition?**  
 15 A I mean, I heard about them, but I didn't read them.  
 16 **Q You heard about them, but you didn't read it?**  
 17 A Yeah. But I had multiple meetings with him. I know what  
 18 his stance is. We met together as a friendly meeting.  
 19 **Q Okay. But that's protected by attorney-client privilege.**  
 20 MR. MEROUCH: No, he's not talking about me.  
 21 He's talking about Mr. Gordon. Correct?  
 22 A Mr. Gordon, yeah.  
 23 BY MR. SUSSELMAN:  
 24 **Q Yeah.**  
 25 A We met. And I know how he stands and what he keep

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<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 30</p> <p>1 repeating --</p> <p>2 <b>Q Did you read the former Mayor's deposition?</b></p> <p>3 A I didn't.</p> <p>4 <b>Q And you didn't read Mr. Gordon's deposition, but you base</b></p> <p>5 <b>your conclusions on what your discussions were with him?</b></p> <p>6 A Uh-huh.</p> <p>7 MR. MEROUCH: For the record, his deposition</p> <p>8 does match what the Mayor is saying right now.</p> <p>9 MR. SUSSELMAN: I'm just trying to clarify.</p> <p>10 BY MR. SUSSELMAN:</p> <p>11 <b>Q During the Mayoral campaign, are you saying the issue of</b></p> <p>12 <b>displaying the pride flag did not come up throughout the</b></p> <p>13 <b>campaign?</b></p> <p>14 A That's not what I said. I said it was a hot topic during</p> <p>15 my campaign.</p> <p>16 <b>Q Oh, so it did come up?</b></p> <p>17 A Um-hmm.</p> <p>18 <b>Q And did you take a position regarding displaying the</b></p> <p>19 <b>flag?</b></p> <p>20 MR. MEROUCH: Objection. Asked and answered.</p> <p>21 A I said the voting on displaying the flag in front of the</p> <p>22 City Hall happened during the campaign in June 2023 when</p> <p>23 we were campaigning. And I was one of the audience that</p> <p>24 attended that meeting.</p> <p>25 And I said a comment that this should not be a</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>	<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 31</p> <p>1 priority. We have infrastructure issues that we should</p> <p>2 focus on. That was my stance when I commented.</p> <p>3 And then when we -- I mean, that was the</p> <p>4 beginning -- that was the month when they voted on it to</p> <p>5 fly it in front of City Hall. And my opponent, the</p> <p>6 former Mayor, broke the tie in favor.</p> <p>7 My position was different. My position was</p> <p>8 this shouldn't have been an issue here to divide the</p> <p>9 community. We shouldn't have discussed this now when we</p> <p>10 had flooding and other stuff going on --</p> <p>11 <b>Q You had other stuff, I understand.</b></p> <p>12 <b>But you would agree that the former Mayor</b></p> <p>13 <b>legally had the right to break the tie; correct?</b></p> <p>14 A She did, yeah.</p> <p>15 <b>Q Yes. So, then, that proved that resolution did not</b></p> <p>16 <b>violate the law; did it?</b></p> <p>17 A Because they followed the right process. I just</p> <p>18 explained. The Art and Culture Commission asked the City</p> <p>19 Council and Mayor for permission to fly the flag in front</p> <p>20 of City Hall. That's documented in the resolution.</p> <p>21 And they followed the right process. City</p> <p>22 Council had to vote on that.</p> <p>23 He did not follow that process. He went alone</p> <p>24 and put the flag on Joseph Campau. He should have done</p> <p>25 the same thing. Art and Culture Commission or Human</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>
<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 32</p> <p>1 Relation Commission, you come to the City Council and ask</p> <p>2 for permission.</p> <p>3 They did the right thing in 2021. And she had</p> <p>4 every right to vote and break the tie.</p> <p>5 He did not follow that process. He undermine</p> <p>6 the City Council and Mayor. And he took his order from</p> <p>7 the former Mayor. Former power structure who lost that</p> <p>8 election and she was out of power. And they did the same</p> <p>9 without --</p> <p>10 <b>Q You're making an accusation, sir.</b></p> <p>11 A No, no. It was the right thing.</p> <p>12 <b>Q Look, you said -- as I understand, you said that</b></p> <p>13 <b>Mr. Gordon took his orders from the former Mayor; right?</b></p> <p>14 A Because when they flew the flag again --</p> <p>15 <b>Q Yes.</b></p> <p>16 A -- in protest of this resolution, they were, the two of</p> <p>17 them, on there flying the flag.</p> <p>18 <b>Q The former Mayor was there?</b></p> <p>19 A Yes. And Mister --</p> <p>20 <b>Q And you're interpreting that --</b></p> <p>21 MR. MEROUCH: I'm sorry. Let him answer the</p> <p>22 question. Please stop talking over him.</p> <p>23 THE WITNESS: Yeah.</p> <p>24 A So they were there --</p> <p>25</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>	<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 33</p> <p>1 BY MR. SUSSELMAN:</p> <p>2 <b>Q Yeah.</b></p> <p>3 A -- the two of them and the former Mayor, flying the flag</p> <p>4 after passing this resolution. This is now evidence that</p> <p>5 they were together, one group, everything.</p> <p>6 That that has to do -- she would post something</p> <p>7 on social media about it. So even when he flew the flag</p> <p>8 the first time and it was an issue and we met here to</p> <p>9 solve that issue and I allowed it to fly for four months</p> <p>10 in 2021, he did the wrong thing.</p> <p>11 But to prevent any harm to the community, I</p> <p>12 said, okay, let it fly for four months but next year we</p> <p>13 have to do the right thing; vote on it on the Human</p> <p>14 Relation Commission. And I added more people for him to</p> <p>15 take action.</p> <p>16 He sent a statement to the Free Press and the</p> <p>17 review and he said: I'll do it again, just like I did it</p> <p>18 last year without having a quorum or a meeting.</p> <p>19 So this tells you that they were -- well, just</p> <p>20 another point.</p> <p>21 <b>Q No. I think you've answered my question.</b></p> <p>22 A Well --</p> <p>23 <b>Q Your counsel --</b></p> <p>24 <b>No. Sorry. I'm sorry. You don't answer</b></p> <p>25 <b>questions that I don't ask. Your Counsel --</b></p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>

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1 A You repeat the question three times, by the way.  
 2 **Q Well, okay.**  
 3 A Yeah.  
 4 **Q What I'm getting at, what you testified to was that**  
 5 **Mr. Gordon was taking orders from the former Mayor. Were**  
 6 **you present when such orders were given by the former**  
 7 **Mayor to Mr. Gordon?**  
 8 A No, but I saw them working together.  
 9 **Q And so you took them working together to mean that she**  
 10 **gave him orders?**  
 11 A Well, they worked together because she appointed him to  
 12 the Human Relation, and so they kept working together  
 13 enforcing their political views, ignoring the Mayor and  
 14 Council.  
 15 **Q Okay.**  
 16 MR. MEROUCH: I'm sorry. Russ, you can't make  
 17 gestures. I'm sorry.  
 18 MR. GORDON: It pisses me off.  
 19 MR. MEROUCH: I'm sorry. You can't --  
 20 I'm going to have to ask him to leave if he  
 21 does it again.  
 22 I'm giving him another chance. I could ask him  
 23 to leave now.  
 24 A Well --  
 25

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1 BY MR. SUSSELMAN:  
 2 **Q No. There's no question pending.**  
 3 A I just wanted to clarify.  
 4 **Q No. There's no question pending.**  
 5 A Okay.  
 6 **Q Mayor Ghalib, were you asked by Miss Stackpoole and**  
 7 **others to reduce the number of the members on the Human**  
 8 **Relations Commission so that they could have a quorum?**  
 9 A I don't remember that she asked me to do that, but I  
 10 added more people so they can have a quorum, including  
 11 her. She was appointed for that purpose.  
 12 **Q So by increasing the number of members of the commission,**  
 13 **you increased -- effectively, increased the number that**  
 14 **would be required for a quorum; correct?**  
 15 A No. Because he had --  
 16 **Q What constitutes a quorum?**  
 17 MR. MEROUCH: I'm sorry. Let him answer the  
 18 question.  
 19 A He had trouble getting the people who were appointed by  
 20 the former Mayor to have a meeting. So I removed those  
 21 inactive members and I placed new members so we he can --  
 22 so he can make it easy for him to have a quorum because  
 23 the other ones were not responsive to e-mails and stuff.  
 24 I appointed new people, regardless of their  
 25 background. And I know that they supported LGBT,

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1 including this member right here(indicating).  
 2 BY MR. SUSSELMAN:  
 3 **Q You mean Miss Stackpoole?**  
 4 A Miss Stackpoole; correct.  
 5 So that tells you that I wanted to help him do  
 6 the right thing. Have a quorum. Have a meeting. Take  
 7 your decision, keep this, you know, within the Human  
 8 Relation, but do it the right way.  
 9 But, again, he kept doing the same thing and  
 10 behaving the same way.  
 11 **Q I'm going to show you what's been marked as Plaintiff's**  
 12 **Exhibit Number 6. Could you review that?**  
 13 A (Witness reviewing document.)  
 14 You already handed me one of that. Yes, I have  
 15 it here.  
 16 **Q Okay. Is that the resolution that was passed in June of**  
 17 **2023?**  
 18 A Yes.  
 19 **Q "Yes." And the next to the last paragraph, it states:**  
 20 **"Now, therefore, be it resolved**  
 21 **by the City Council and the City of**  
 22 **Hamtramck, Wayne County, Michigan,**  
 23 **that the government of the City of**  
 24 **Hamtramck does not allow any religious,**  
 25 **ethnic, racial, political, or sexual**

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1 **orientation group flags to be flown**  
 2 **on the city's public properties, and**  
 3 **that only the American flag, a flag**  
 4 **of the State of Michigan, the Hamtramck**  
 5 **flag, the Prisoner of War flag, and**  
 6 **the nation's flags that represent the**  
 7 **international character of our City**  
 8 **shall be flown."**  
 9 **Right?**  
 10 A Um-hmm.  
 11 **Q Would you agree that the flag of the African Union,**  
 12 **Albania, Armenia, Bangladesh, Bosnia, Croatia, Egypt,**  
 13 **Ethiopia, Iraq, Ireland, Jamaica, Lebanon, Macedonia, and**  
 14 **Mexico, Pakistan, Philippines, Poland, Romania, Russia,**  
 15 **Sicily, Somalia, South Korea, Turkey, Ukraine, U.S.A.,**  
 16 **and Yemen are consistent with the requirement of**  
 17 **displaying flags that represent the international**  
 18 **character of the City of Hamtramck?**  
 19 A Yes, I do. Because this Resolution 82 was passed to  
 20 confirm the Resolution of 2013-102. And that's why you  
 21 have the last statement here:  
 22 "And the nation's flag that  
 23 represent the international character  
 24 of the City."  
 25 So that's still allowed. And we still can

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1 enforce that. Because right now only the American flags  
 2 are flown just to prevent any issues in the City, but it  
 3 is still allowed that we can fly those flags.  
 4 **Q So is it your position that displaying these other flags**  
 5 **I just listed would be inconsistent with that resolution**  
 6 **representing the international character of the City of**  
 7 **Hamtramck?**  
 8 A Yes. The country's flag. Right.  
 9 **Q So if those were displayed, that would not violate the**  
 10 **resolution?**  
 11 A If it's a country's flag, it would not violate the  
 12 resolution.  
 13 **Q And is it your position that the pride flag does not**  
 14 **represent the international character of the City of**  
 15 **Hamtramck?**  
 16 A It's a special group's flag, and so it does not -- it's  
 17 not consistent with this statement because this was meant  
 18 to present the countries in which immigrants came from to  
 19 this City. And that was the case for nine years from  
 20 2013 to 2021.  
 21 As soon as the Mayor was changed -- as soon as  
 22 a new Mayor came to power, they started new stuff. New  
 23 flags on that thing.  
 24 **Q When you say "new Mayor," are you referring to yourself?**  
 25 A Yes. Because it never happened on Joseph Campau before

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1 A I don't agree with alcoholics. Doesn't mean that I will  
 2 go and close the liquor stores in the City. Yes, it goes  
 3 against my values. I cannot drink. I don't drink. It's  
 4 against my values.  
 5 But did I go out and close the liquor stores or  
 6 arrest people, you know, who drink alcohol?  
 7 Same thing with this. I may not agree with  
 8 what they do, but I still agree to serve them just like  
 9 anybody else, regardless of their background.  
 10 **Q So I asked you -- you still haven't answered my question.**  
 11 **Do you personally believe that --**  
 12 MR. MEROUCH: Objection. Asked and answered.  
 13 MR. SUSSELMAN: No, he hasn't answer it.  
 14 BY MR. SUSSELMAN:  
 15 **Q Do you personally believe it's immoral?**  
 16 A I don't believe it's moral. I believe that it's --  
 17 **Q You don't believe it's what?**  
 18 A I don't believe it's -- to my personal values, it goes  
 19 against my personal values. But I'm not here to impose  
 20 my personal values on people. I am not here to impose my  
 21 personal values on people. I respect our differences.  
 22 And I serve everyone equally.  
 23 I don't go and ask about their background or  
 24 their lifestyle so I can give preferential treatment to  
 25 this, or discriminate against that. I serve everyone

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1 2022.  
 2 **Q Well, it happened before -- well, okay.**  
 3 A Yeah.  
 4 **Q It happened in 2022; correct?**  
 5 A Right. When I was the Mayor.  
 6 **Q You were Mayor?**  
 7 A Why didn't they do it in 2021, or 2020, 2019, if it's not  
 8 a political move; there's no political drive behind it?  
 9 **Q Do you personally believe that intimate relations between**  
 10 **individuals of the same gender is immoral?**  
 11 A Well, I don't think you should care about my personal  
 12 values.  
 13 **Q Well, I do, so I'm asking you the question.**  
 14 A Well, I am -- as a politician, I represent everyone. I  
 15 don't care about their values or lifestyle. I serve  
 16 everyone equally. I don't agree with so many things on  
 17 the City, but doesn't mean that I will go and prevent  
 18 them.  
 19 I don't agree with --  
 20 **Q You're not answering my question.**  
 21 MR. MEROUCH: I'm sorry. He is --let him  
 22 finish his answer.  
 23 A I am answering the question.  
 24 BY MR. SUSSELMAN:  
 25 **Q No, you're not. Go on.**

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1 equally. I respect the diversity in our City.  
 2 I'm not supposed to be doing everything that  
 3 every residents[sic] is doing. I am still a -- proud of  
 4 my values. Proud individual of my values. But I'm not  
 5 here to enforce them on others. And I expect others to  
 6 do the same.  
 7 **Q Would you oppose -- would you oppose display of a flag**  
 8 **for a group called "Alcoholics Anonymous"?**  
 9 **Are you familiar with Alcoholics Anonymous?**  
 10 A I'm not familiar, but that was one of the reasons we  
 11 supported this resolution to close the doors in front of  
 12 any of these groups that would come and ask to fly their  
 13 flags.  
 14 I told you, they could be weird groups coming  
 15 with the weirdest flags. Some extremist groups,  
 16 religious, racists. I don't know all of them. But I  
 17 don't want to see all of their flags flying there.  
 18 **Q Let me ask you. Do you believe the LGBTQ -- I don't know**  
 19 **if I got them all -- community is a weird -- I think as**  
 20 **you put, a weird community?**  
 21 MR. MEROUCH: Objection. That's  
 22 misrepresenting what he said.  
 23 MR. SUSSELMAN: Well, I'm asking him.  
 24 A I said --  
 25

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1 BY MR. SUSSELMAN:  
 2 **Q You said you were concerned that displaying the LGBTQ**  
 3 **flag, the pride flag, would appear to be an endorsement**  
 4 **and encourage display of weird groups?**  
 5 MR. MEROUCH: No, he did not say that.  
 6 A I said it would open the doors for weird groups that you  
 7 never heard of to come and ask to display their flags.  
 8 MR. MEROUCH: Going around the international  
 9 character.  
 10 MR. SUSSELMAN: Are you testifying?  
 11 MR. MEROUCH: No. I'm sorry. I'm trying to  
 12 explain.  
 13 A And I said -- I mentioned religious extremists, radical  
 14 groups, racist groups that you never heard of, we would  
 15 have their flags flying because they would be like, okay,  
 16 if you don't do it, then you discriminate against me.  
 17 Just like the City of Boston when they were very  
 18 selective in flying some flags.  
 19 They lost their lawsuit in the federal court.  
 20 They blocked one religious group from flying their flags  
 21 and they allowed 284 flags to fly; therefore, they were  
 22 selective and they lost their case.  
 23 We are not trying to be like that. We're  
 24 trying to be neutral. I am not -- I don't want to reject  
 25 one group and allow for one group because that would be

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1 **You became Mayor -- starting as Mayor in**  
 2 **January of 2022?**  
 3 A Sure.  
 4 **Q The resolution that we're talking about was passed in**  
 5 **June of 2023, and so I'm going to clarify.**  
 6 **Are you saying that between January 1 of 2022**  
 7 **and June of 2023 that some residents of Hamtramck came to**  
 8 **you and asked for permission to display a flag before the**  
 9 **resolution was passed?**  
 10 A So between that period, January '22 and June '23, he  
 11 created the problem in June '22.  
 12 **Q "He" being?**  
 13 A Mr. Russ Gordon.  
 14 **Q Um-hmm.**  
 15 A He did it. Mr. Russ Gordon flew the flag in June '22,  
 16 within that period of time that you mentioned.  
 17 So that's when I took the blame and left the  
 18 flag -- the pride flag flying for four months taking the  
 19 blame from the community thinking that it's my decision.  
 20 **Q Yes. So when you say you took the blame, how was that**  
 21 **blame expressed?**  
 22 A Because the community thought that it was my decision to  
 23 create something new on Joseph Campau, which was never  
 24 flown before, flying the pride flag on Joseph Campau. It  
 25 was something new to them.

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1 discriminatory, and then that's where it's going to be  
 2 selective.  
 3 So the reason we close the door in front of all  
 4 these groups, including the one you asked me about -- I  
 5 never heard about it. But I'm sure there are many groups  
 6 I never heard about, and they will come and ask for their  
 7 flags. And some of them did already.  
 8 BY MR. SUSSELMAN:  
 9 **Q What groups?**  
 10 A I mentioned earlier some religious groups came to the  
 11 meeting and asked me to fly their flags.  
 12 **Q You told me about the gentleman who wanted to fly a flag**  
 13 **praising Allah?**  
 14 A That's one. That's one.  
 15 **Q Any others?**  
 16 A Yeah. There are many community members who reached out  
 17 to me. I don't know what specific flags they have. But  
 18 they said if you fly some flags for some groups, we want  
 19 our flags to be flown.  
 20 **Q Is that after the resolution was passed or before?**  
 21 A It was before. That was before, and during, and after.  
 22 And that was the reason why we don't want to open the  
 23 doors for them to come and ask: Hey, I want to fly my  
 24 flag. It's going to be a mess around the City.  
 25 **Q So I want to make sure I understand your testimony.**

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1 So they were, like, okay, this is why -- who  
 2 are you representing here?  
 3 Are you going -- you know, people who supported  
 4 me, I'll be honest, I -- expressed their disappointment.  
 5 They said: We'll never support you. So, basically, it  
 6 was destroying my political career with that decision.  
 7 **Q And what -- when you say "blame," did they seem annoyed?**  
 8 A Some of them are. I cannot, I mean, control people's --  
 9 their political views could be against this. So they  
 10 were thinking that I am the one who took the decision.  
 11 **Q Wasn't it the case, sir, that part of the annoyance was**  
 12 **from people who did not empathize with the LGBTQ**  
 13 **community, or were offended by the display of the pride**  
 14 **flag on Joseph Campau?**  
 15 A I'm not sure what the drive was.  
 16 **Q You're not sure?**  
 17 A So many people were disappointed to see the flag for the  
 18 first time --  
 19 **Q Yes.**  
 20 A -- among the international flags; the countries' flags.  
 21 **Q And what was your understanding why they were**  
 22 **disappointed?**  
 23 A Just some of the controversial issues in this community.  
 24 So you have people with and people against. I cannot  
 25 control their, you know, whatever they believe in.

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1 And that was a disappointment by them, but it  
 2 was directed to me. So, basically, Mr. Russ created a  
 3 problem to me without consulting me. It's a hot  
 4 controversial topic in this community.  
 5 So for one person to go --  
 6 **Q Why is it controversial?**  
 7 A It's controversial around the world.  
 8 **Q Why? What's your understanding?**  
 9 A Some people believe it's their right to exist, and some  
 10 people believe --  
 11 **Q You said "they." Who do you mean by "they"?**  
 12 A LGBT.  
 13 **Q You mean homosexuals; correct?**  
 14 A Yes. They believe it's their right to exist and be in  
 15 public. Other groups feel afraid that this agenda is  
 16 being imposed on them by force in their schools and  
 17 stuff, so they fear that it goes, you know, it will  
 18 target their kids in school and stuff like that. So  
 19 that's the reason behind it.  
 20 **Q Okay. So does displaying the flag of Albania, is that a**  
 21 **signal that people want people to become Albanian?**  
 22 MR. MEROUCH: Objection. Again, you're  
 23 mischaracterizing what he said.  
 24 MR. SUSSELMAN: This is the first time I asked  
 25 the question.

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1 MR. MEROUCH: You can answer.  
 2 MR. SUSSELMAN: This is the first time I asked  
 3 the question.  
 4 A This is not -- I mean --  
 5 BY MR. SUSSELMAN:  
 6 **Q Well, I'm asking you. Does displaying the Albanian flag**  
 7 **send the signal that we want everybody in Hamtramck to**  
 8 **become Albanian?**  
 9 A What -- I just told you what people think. So you go and  
 10 ask them that. I don't know what their answer will be.  
 11 Because I told you --  
 12 **Q Well, I'm asking you do you believe displaying the**  
 13 **Albania flag is a message that people --**  
 14 A No.  
 15 **Q -- in Hamtramck should become Albanian?**  
 16 A No.  
 17 **Q What about displaying the Armenian flag, is that a signal**  
 18 **that people should become Armenian?**  
 19 A No, it isn't.  
 20 **Q And I can go down the whole list.**  
 21 MR. MEROUCH: I'm sorry. You're debating,  
 22 like, the --  
 23 MR. SUSSELMAN: I'm not "debating" anything.  
 24 MR. MEROUCH: -- national conversation --  
 25

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1 MR. SUSSELMAN: You keep interrupting me --  
 2 MR. MEROUCH: -- of the LGBT?  
 3 MR. SUSSELMAN: -- without reason.  
 4 MR. MEROUCH: I'm not.  
 5 MR. SUSSELMAN: Yeah, you are.  
 6 MR. MEROUCH: No.  
 7 MR. SUSSELMAN: I'm making a point. Okay?  
 8 MR. MEROUCH: Make your point.  
 9 MR. SUSSELMAN: I will make the point.  
 10 BY MR. SUSSELMAN:  
 11 **Q The Bangladesh flag, does that mean people should become**  
 12 **Bangladashan[sic]?**  
 13 A No, it's not.  
 14 **Q Do you believe that displaying --**  
 15 **So is it your understanding that the people who**  
 16 **were opposed to displaying the pride flag are opposed to**  
 17 **it because displaying the flag is a signal they want to**  
 18 **impose their values on schools?**  
 19 A I said that they think this represents an agenda --  
 20 **Q Yes.**  
 21 A -- to impose some values on their kids. I told you what  
 22 they think. That doesn't necessarily mean I think that  
 23 way.  
 24 So, you know, you can't misinterpret my  
 25 people -- my statement. I told you -- you asked me why

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1 are they disappointed.  
 2 **Q Yes.**  
 3 A I told you they think that this is --  
 4 MR. MEROUCH: I'm going to object to this whole  
 5 like of questioning as to speculation. It's speculation.  
 6 MR. SUSSELMAN: Your objection is noted. All  
 7 right.  
 8 MR. MEROUCH: Okay.  
 9 A So, yeah. So I was telling you what some of those people  
 10 believe.  
 11 BY MR. SUSSELMAN:  
 12 **Q Okay. So those people believe that displaying the pride**  
 13 **flag means that those who support displaying the pride**  
 14 **flag want to impose homosexual views on the rest of**  
 15 **Hamtramck?**  
 16 A That's what some people believe. Doesn't mean I believe.  
 17 **Q Do you believe that?**  
 18 A I have a different opinion.  
 19 **Q What's your opinion?**  
 20 A I'm just telling you --  
 21 **Q What's your opinion?**  
 22 A My opinion is if he wants to fly the flag, he should  
 23 follow the legal process that was followed in 2021 where  
 24 they flew the flag in front of the City Hall. Come ask  
 25 for permission from the City Council and Mayor. That's

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1 it.

2 That's my problem with him. Nothing else. It  
3 was a political conflict between me and the former power  
4 structure, basically, put it that way.

5 **Q So are you saying that you do not believe that displaying  
6 the pride flag is a mechanism for trying to make  
7 everybody in Hamtramck homosexual?**

8 A No, I don't believe in that. I believe that if he did it  
9 the legal way and I helped him to do it, that would be  
10 fine with me. But he didn't.

11 The former power structure didn't want to come  
12 to City Council and Mayor like they did in 2021. Why?  
13 Because the Mayor changed?

14 Why didn't you follow the same process when Art  
15 and Culture asked the City Council and Mayor for  
16 permission to fly the flag? Why did you want to act  
17 alone?

18 That was my problem with it. That's it. You  
19 ignored that there's a City Council and Mayor.

20 It was part of my inclusivity[sic] to keep them  
21 on boards and commissions -- and they were appointed by  
22 the former Mayor -- to show good intention that I'm  
23 inclusive. I kept them all. I never fired anybody.

24 But that doesn't mean -- the Charter gave me  
25 the right to fire them with no cause after 90 days. I

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1 didn't fire anybody.

2 But for them to ignore me as the Mayor, who has  
3 the power to remove and hire people to the boards and  
4 commissions, and just to coordinate with other people who  
5 are out of the City Hall, that was offensive to me. It  
6 was -- I called that shadow government, yes.

7 **Q Are you a member or an observer -- are you an observant  
8 member of any religious -- or religion?**

9 A I'm not a member of any religious group or anything.

10 **Q Okay. None?**

11 A None. I'm not a member of any religious group. I'm not  
12 a religious person.

13 I'm more of a secular. I believe in democracy.  
14 I believe in diversity. I believe in people's right to  
15 choose whoever to represent them. Religious.

16 Groups, not necessarily believe in that. I  
17 believe that democracy is the only way to solve problems  
18 in the Middle East. Religious groups don't believe in  
19 that.

20 They believe that they have the right to, you  
21 know, to rule, and they have sacred authority to rule the  
22 people. I don't believe in that.

23 **Q Okay. So it's true that in Islam homosexual relations  
24 are considered sinful; correct?**

25 A I think in every religion.

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1 **Q Excuse me?**

2 A I think in every religion.

3 MR. MEROUCH: It's the second time, Marc.

4 MR. SUSSELMAN: Yeah. What are you talking  
5 about?

6 MR. MEROUCH: Interference from your clients.

7 MS. STACKPOOLE: Sorry.

8 BY MR. SUSSELMAN:

9 **Q So you believe that's true in every religion?**

10 A I believe that religions believe in that way.

11 **Q All religions?**

12 A That's what I know.

13 **Q You know that?**

14 A That's what I know about religions, that they don't allow  
15 that. But that's not -- I'm not here in a religious  
16 power authority to rule the City. I'm here elected by  
17 the people to represent all the people. Religion has no  
18 place in my decision-making process. And that's why I  
19 appointed some of them to my members. To my boards.

20 Tim Price, LGBT member, his term expired a few  
21 months. I renewed. I approved it despite all this drama  
22 that happened.

23 Lynn Blazzi(ph), I appointed her, she's the  
24 biggest advocate for LGBT, to the Art and Culture.

25 Miss Stackpoole, I appointed. And I know she's

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1 an advocate for them. I have no problem with the LGBT  
2 community. We get along.

3 The problem is you're violating the law and  
4 order. Trying to do things, you know, away from the  
5 right process of doing things in the City.

6 **Q Did you, at any time prior to becoming Mayor, have any  
7 discussions or communications with Imam Saleh Algahim?  
8 Do you know who that is?**

9 A I know Saleh Algahim, yes. He's not the Imam. He's a  
10 tribal figure of the community.

11 **Q He's not an Imam?**

12 A He's not an Imam. He's not of religious color. He's a  
13 tribal figure. His Arabic is just as bad as his English.  
14 He's not a scholar.

15 He lives in Detroit. He's a -- he lives in  
16 Detroit. He's not a Hamtramck resident. And he attended  
17 Miller Mosque, which is in Detroit as well. They have  
18 nothing to do with Hamtramck.

19 **Q So could you answer my question?**

20 A I did answer.

21 **Q I asked you have you had any --**

22 A Well, I know him in a personal capacity. He endorsed  
23 Mayor Majewski in the election. And you can ask her.

24 At Frontier International, we had an event, he  
25 spoke and he said: Four more years. So he publicly

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<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 54</p> <p>1 endorsed her and supported in that election.</p> <p>2 I asked him to make a video for me to ask</p> <p>3 people to vote for me. He refused. My relationship with</p> <p>4 him is not that great. So, I mean, I know -- that was</p> <p>5 documented. And you can ask Mayor Majewski about that</p> <p>6 meeting. The four candidates were there in the primary</p> <p>7 election.</p> <p>8 He spoke. He said: Four more years.</p> <p>9 I asked him after that: Would you be willing</p> <p>10 to make a video to ask people to vote for me? He said,</p> <p>11 "No." So that was my relationship with him. It wasn't</p> <p>12 that great.</p> <p>13 <b>Q Did you ever discuss with him the issue about displaying</b></p> <p>14 <b>the pride flag?</b></p> <p>15 A No, never. No one can influence my decision when it</p> <p>16 comes to the City. No one. No mosque. No religious</p> <p>17 organization. No political organization.</p> <p>18 And that's why in my campaign I asked people:</p> <p>19 If you want to support me, it has to be unconditional</p> <p>20 support. You cannot come to ask me what to do after</p> <p>21 that.</p> <p>22 <b>Q So to make sure I understand your testimony.</b></p> <p>23 <b>At no time have you had any discussions with</b></p> <p>24 <b>Saleh Algahim regarding displaying the pride flag?</b></p> <p>25 A No. I saw him in the meeting that night.</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>	<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 55</p> <p>1 <b>Q He was there; correct?</b></p> <p>2 A He came.</p> <p>3 <b>Q He was in the front row?</b></p> <p>4 A He came, so as a hundred of people into the hallway</p> <p>5 there. He was one of many people. So I had no</p> <p>6 discussion with any of them.</p> <p>7 <b>Q Prior to becoming Mayor, did you have any discussions at</b></p> <p>8 <b>any time with any religious leaders of any religion</b></p> <p>9 <b>regarding displaying the pride flag?</b></p> <p>10 A I don't remember discussing with anyone. But that was</p> <p>11 one issue of many issues that were hot during my</p> <p>12 campaign. And that wasn't the main issue.</p> <p>13 So, I mean, I used to avoid talking about it</p> <p>14 during my campaign because I know it's controversial and</p> <p>15 it can cost you to gain or lose votes. So I tried to</p> <p>16 avoid talking about it unless I'm asked what's my</p> <p>17 opinion.</p> <p>18 I would say: I will be the Mayor for everyone.</p> <p>19 I represent everyone. I don't care what their background</p> <p>20 is. I will serve everyone equally. That was my stance.</p> <p>21 But at the same time I wouldn't give</p> <p>22 preferential treatment or favoritism to anyone. Neither</p> <p>23 discriminate nor give preferential treatment to anyone.</p> <p>24 Stay neutral. And that's what this resolution is all</p> <p>25 about.</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>
<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 56</p> <p>1 And that's why it says "no religious flags" in</p> <p>2 there. It's very clear, "religious flags. No religious</p> <p>3 flags."</p> <p>4 <b>Q So, you may have answered this question. I just want to</b></p> <p>5 <b>confirm.</b></p> <p>6 <b>Is it your testimony, prior to becoming Mayor,</b></p> <p>7 <b>you had no discussions with any religious leader</b></p> <p>8 <b>regarding displaying the pride flag?</b></p> <p>9 MR. MEROUCH: Objection. Asked and answered.</p> <p>10 BY MR. SUSSELMAN:</p> <p>11 <b>Q Could you answer, please?</b></p> <p>12 A I told you that wasn't my priority in running my</p> <p>13 campaign.</p> <p>14 <b>Q And after you became Mayor, did you have any discussions</b></p> <p>15 <b>with any religious leaders about displaying the pride</b></p> <p>16 <b>flag?</b></p> <p>17 A Religious leaders are not my resource for making my</p> <p>18 decisions. And they know that very well.</p> <p>19 Because mosques here don't get along with each</p> <p>20 other. They represent different views, different</p> <p>21 religious sects. So if you're affiliated with one of</p> <p>22 them, you lose the others.</p> <p>23 You have Sylhets. You have, you know, Sunnis.</p> <p>24 Shiite brotherhood. Sufis. Every mosque represents a</p> <p>25 group. And I know very well. I studied the politics</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>	<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 57</p> <p>1 behind all these religious sects. So I keep myself away</p> <p>2 from affiliating with any of them, including the</p> <p>3 churches.</p> <p>4 I go to churches when they, you know, invite</p> <p>5 me. When they praise the priest, I go there. I've been</p> <p>6 there. And I get criticized by some people. But I told</p> <p>7 them, hey, I'm representing everyone here.</p> <p>8 I go to the Buddha event. The Buddhist. We</p> <p>9 have Buddhist. We have Hindu. I go to the Hindu events,</p> <p>10 as well. We have a good number of community members.</p> <p>11 And, so, when they have events, they invite me.</p> <p>12 I attend. I speak.</p> <p>13 Some extremists will criticize me. I see it on</p> <p>14 Facebook and stuff. I don't care because I represent</p> <p>15 everyone. So I treat them equally.</p> <p>16 So I'm not affiliated with any religious group.</p> <p>17 I'm not too religious. I am a proud Muslim, but I'm not</p> <p>18 too religious. But I'm not trying to enforce my values</p> <p>19 on everybody. I respect everyone. You live the way you</p> <p>20 want. I will serve you equally just like anybody else.</p> <p>21 But if you ask me to only represent you and</p> <p>22 ignore the rest of the community, that's not going to</p> <p>23 happen.</p> <p>24 <b>Q Do you attend services at a mosque as well?</b></p> <p>25 A I do. I do go to Friday prayers. That's the only time.</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>

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- 1 **Q Every Friday?**  
 2 A Yes.  
 3 **Q Which mosque?**  
 4 A Different ones. Like I'm telling you, I try to balance  
 5 it, so I go to different mosques, not necessarily the  
 6 same one.  
 7 **Q Have you, at any time, had any discussions or**  
 8 **communications with any City Council member regarding**  
 9 **homosexual relations between men or between women?**  
 10 A You mean discussing the privacy of others? Like, how  
 11 they live and stuff?  
 12 **Q Homosexual relations.**  
 13 A Not necessarily. I mean, we may -- like, we may discuss  
 14 the issue in general as a controversial issue in the City  
 15 or in the community. But we don't discuss the details of  
 16 how they live, and why, and if it's right or wrong.  
 17 That's not our job.  
 18 **Q Have you had any discussions with any City Council**  
 19 **members in which a City Council member has expressed**  
 20 **disapproval of homosexual relations?**  
 21 A No. Nobody cares if they -- no one was there to try to  
 22 prevent them from --  
 23 You know, in fact, when they get attacked --  
 24 the flags get attacked, I call and I show support to the  
 25 people whose private properties got vandalized.

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- 1 remember some first names if you want to mention them.  
 2 **Q No. Was this before Resolution 2023-82 was passed?**  
 3 A No. It was after.  
 4 **Q After?**  
 5 A Yes. It was a step to calm the community down to, you  
 6 know, bridge the gap that happens after that. I told  
 7 them they are using you as a political card to divide the  
 8 community.  
 9 In fact, every step that was done was meant to  
 10 harm the community and divide the community. And I did  
 11 my part. Kept the flag for four months the first time it  
 12 was done illegally so I can avoid division and harm to  
 13 the community. Because that same day the former Mayor  
 14 posted something.  
 15 Get ready for protest. I'll call the media  
 16 because the Mayor will go to take the flag down.  
 17 I approved it wrong and I flew the flag for  
 18 four months there.  
 19 So, basically, they used to -- they wanted that  
 20 issue to divide the community. To cause harm to me as a  
 21 politician.  
 22 And I did everything that it takes to prevent  
 23 that division, including take the blame from the  
 24 community and kept it flying for four months illegally by  
 25 one person's decision, not the City Council and Mayor.

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- 1 Yesterday I called Virginia at the PIEST  
 2 Institute. They ripped the flag.  
 3 I told her, "Police will do whatever it takes  
 4 to catch the person who did this and vandalized your  
 5 property, and he's going to be a lesson to others."  
 6 That's what we believe. We believe that they  
 7 have a right to live just like anybody else in this  
 8 community. That's not an issue with us.  
 9 It was, you know, the public property is  
 10 different than private properties. And so I met with the  
 11 Queer Alliance here in this room. And after all these  
 12 issues. And I told them there are some politicians in  
 13 the community who use this controversial issue to divide  
 14 the community.  
 15 We left that meeting with a hundred percent  
 16 agreement. They want to be represented. They want to  
 17 feel safe. They want the City to represent them. I was,  
 18 like, definitely.  
 19 **Q Who were the people at the meeting you're referring to?**  
 20 A There were three of them.  
 21 **Q Mr. Gordon? Was Mr. Gordon present?**  
 22 A No. I had an individual meeting with him in my office.  
 23 Different.  
 24 It was the next day I had a meeting with three  
 25 members of the Queer Alliance. I mean, I remember -- I

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- 1 That was the first year, 2022.  
 2 2022 he said he would do it again the same way.  
 3 Even though I provided him with new members to the Human  
 4 Relations so that he can do the right thing. Follow the  
 5 legal process. Vote on it. Bring it to City Council.  
 6 They may approve it. Some of the members voted yes in  
 7 2021, and they were still on the Council. They may have  
 8 approved it and then we'll be done with that.  
 9 That's my problem with them not following the  
 10 legal process of doing things the right way. I don't  
 11 care about any other thing. It's not my job to teach  
 12 people or enforce my values on others. That's not why I  
 13 am here.  
 14 I mean, I respect the diversity. Everyone can  
 15 live the way he wants, and I will serve them equally  
 16 regardless of their background.  
 17 Do the right thing. Follow the right process.  
 18 Follow law and order. Don't act like a militia. Doing  
 19 things, you know, by force. That's not accepted in the  
 20 United States.  
 21 **Q Well, had, again, they went to the City Council when you**  
 22 **were Mayor, and if there had been a tie, how would you**  
 23 **have voted?**  
 24 A You mean with the flag --  
 25 **Q Yes.**

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<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 62</p> <p>1 A -- issue?</p> <p>2 <b>Q Um-hmm.</b></p> <p>3 MR. MEROUCH: Objection. Calls for</p> <p>4 speculation.</p> <p>5 A When that happened, I would decide. That would be --</p> <p>6 MR. MEROUCH: Speculation.</p> <p>7 A That would be based on situation. So based on the</p> <p>8 circumstances that's happening.</p> <p>9 If the former Mayor had the right to vote yes,</p> <p>10 I don't know what my stance would be. Could be "Yes" or</p> <p>11 "No," depends on the situation. So it's my --</p> <p>12 BY MR. SUSSELMAN:</p> <p>13 <b>Q What situation -- I mean, the situation would be they</b></p> <p>14 <b>bring to the City Council the proposition of displaying</b></p> <p>15 <b>the pride flag on flag poles on Joseph Campau Avenue.</b></p> <p>16 <b>It's not that complicated.</b></p> <p>17 A Well, I'm telling you if it was done in the right way,</p> <p>18 the legal process.</p> <p>19 MR. MEROUCH: Objection. Because, basically,</p> <p>20 you're saying it's different than what actually occurred.</p> <p>21 It was a 6-0 vote.</p> <p>22 If you're saying it's 3-3 and he has to break</p> <p>23 the tie, that means that there's more to the story</p> <p>24 than --</p> <p>25 A Yeah. Different circumstances and it will determine my</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>	<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 63</p> <p>1 decision. And it would be my right. Nobody can prevent</p> <p>2 me from saying "Yes" or "No." That would be my right to</p> <p>3 vote. And nothing wrong would be with that.</p> <p>4 But like I said, it would be a different</p> <p>5 situation, different circumstances, and I will balance it</p> <p>6 out and make my decision.</p> <p>7 BY MR. SUSSELMAN:</p> <p>8 <b>Q I think I know the answer to this question. But in June</b></p> <p>9 <b>of '23 when the vote was taken on Resolution 2023-82, did</b></p> <p>10 <b>you vote?</b></p> <p>11 A No. It was 6 to 0. I only vote if it's a tie.</p> <p>12 <b>Q Okay. So you were present at that meeting in June of</b></p> <p>13 <b>2023 when they voted on the resolution; correct?</b></p> <p>14 A Yes.</p> <p>15 <b>Q There were several citizens present who made comments</b></p> <p>16 <b>about the opposition to or support of the resolution;</b></p> <p>17 <b>correct?</b></p> <p>18 A Yes.</p> <p>19 <b>Q And several of the commenters -- some of them who spoke</b></p> <p>20 <b>in Arabic indicated they were opposed to the display of</b></p> <p>21 <b>the flag on religious grounds; correct?</b></p> <p>22 A Yes. Sorry. They were opposed to displaying the flag,</p> <p>23 not necessarily on religious reason.</p> <p>24 <b>Q Several of them did say that, though; correct?</b></p> <p>25 A I don't remember any. But I know -- I remember people</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>
<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 64</p> <p>1 saying: I want to display my religious flag. Yeah.</p> <p>2 I don't remember them saying because of my</p> <p>3 religion, no.</p> <p>4 <b>Q When was the last time you watched the video of the</b></p> <p>5 <b>hearing?</b></p> <p>6 A It's been awhile. But I watch them multiple times, I</p> <p>7 know. I mean, that's --</p> <p>8 <b>Q So you believe that other people that objected to</b></p> <p>9 <b>displaying the pride flag expressed their view that they</b></p> <p>10 <b>were opposed to it based on religious grounds?</b></p> <p>11 A I don't remember anyone saying that.</p> <p>12 <b>Q You don't remember. And the City Council members</b></p> <p>13 <b>expressed their views prior to their vote regarding the</b></p> <p>14 <b>resolution; correct?</b></p> <p>15 A What do you mean "prior to the vote"? To who? Expressed</p> <p>16 that to who? You mean expressed it to me?</p> <p>17 <b>Q What?</b></p> <p>18 A You mean expressed it to me?</p> <p>19 <b>Q No. To the people present at the hearing.</b></p> <p>20 A Everyone spoke and said his reasoning for his vote.</p> <p>21 <b>Q Do you recall Councilman Choudhury saying the following:</b></p> <p>22 <b>"Well, here's the thing folks.</b></p> <p>23 <b>You guys are welcome to the community.</b></p> <p>24 <b>You guys welcome to walk to the</b></p> <p>25 <b>restaurants. Walk to the grocery store.</b></p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>	<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 65</p> <p>1 <b>Why do we have to have a flag flown on</b></p> <p>2 <b>the City property to be represented?</b></p> <p>3 <b>You're already represented. We already</b></p> <p>4 <b>know who you are. And we don't have any</b></p> <p>5 <b>hate or any discrimination against that.</b></p> <p>6 <b>We get along very well. By making this</b></p> <p>7 <b>bigotry, making this scene, it's making</b></p> <p>8 <b>like you want to hate us. A Jew versus</b></p> <p>9 <b>and others. It's not that. It's everyone</b></p> <p>10 <b>included. And this is the community we</b></p> <p>11 <b>live. I live where we live. I have no</b></p> <p>12 <b>problems. But the community as a whole</b></p> <p>13 <b>has the respect that we are raising family.</b></p> <p>14 <b>We're doing our best to support the</b></p> <p>15 <b>community. Therefore, you are not</b></p> <p>16 <b>unwelcome. You are welcome. But we</b></p> <p>17 <b>have to respect the religions. We have</b></p> <p>18 <b>to respect the people around here;</b></p> <p>19 <b>schools, mosques, churches. I won't</b></p> <p>20 <b>take any longer than this. It's been</b></p> <p>21 <b>a long night, but I welcome every one of you."</b></p> <p>22 <b>Did you agree with Councilman Choudhury's</b></p> <p>23 <b>comments about we have to respect religions? We have to</b></p> <p>24 <b>respect the schools, mosques, churches?</b></p> <p>25 A Well, the first part of his statement was good, "You are</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>

<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 66</p> <p>1 welcome to the community," and stuff. It seems like he</p> <p>2 misspoken[sic] at the end. I don't agree with --</p> <p>3 <b>Q You say he misspoke. You mean he --</b></p> <p>4 MR. MEROUCH: Objection. Calls for</p> <p>5 speculation.</p> <p>6 A I don't believe -- I don't believe that it's based on</p> <p>7 religious reason. That's my belief. I don't know what</p> <p>8 his intention is when he said that. That's --</p> <p>9 BY MR. SUSSELMAN:</p> <p>10 <b>Q He was pretty clear.</b></p> <p>11 A But this member is one of the people who voted yes in</p> <p>12 displaying the flag, the pride flag in 2021. So he is</p> <p>13 one of the biggest supporters of LGBT community.</p> <p>14 And he, actually, preferred that we put this</p> <p>15 thing on the ballot for the people to vote on it. So I</p> <p>16 can't speak on behalf of him, what he means by that last</p> <p>17 thing. But I know -- I know he didn't mean to -- that</p> <p>18 our decision is based on religious reasoning. Because</p> <p>19 this member himself -- one of the three members who said</p> <p>20 yes to displaying the flag in 2021, and, therefore, there</p> <p>21 was a tie and the former Mayor broke the tie. He was one</p> <p>22 of their supporters. They know that very well.</p> <p>23 <b>Q Are you aware that after the hearing -- at another</b></p> <p>24 <b>hearing, I think maybe after Mr. Choudhury was no longer</b></p> <p>25 <b>a City Council member, he explained why he changed his</b></p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>	<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 67</p> <p>1 <b>vote from 2021 to 2023 and said it was because of his</b></p> <p>2 <b>religious views?</b></p> <p>3 A I don't know that. I never heard about that.</p> <p>4 MR. SUSSELMAN: Talk to my clients.</p> <p>5 (Short recess.)</p> <p>6 ---</p> <p>7 BY MR. SUSSELMAN:</p> <p>8 <b>Q Mayor, you made reference that a requirement that the</b></p> <p>9 <b>Human Relations Commission had to have a quorum, or had</b></p> <p>10 <b>to bring its proposal to the City Council for approval.</b></p> <p>11 <b>Am I expressing that correctly? That's your</b></p> <p>12 <b>position?</b></p> <p>13 A So, for them to make a decision, they have to vote on it.</p> <p>14 You have a meeting and a quorum.</p> <p>15 <b>Q "They" meaning the commission?</b></p> <p>16 A The commission. That's the whole point of appointing</p> <p>17 members. If it's a one-person decision, then, what's the</p> <p>18 point of adding the members to there? That's one thing.</p> <p>19 The previous practice of bringing the stuff to</p> <p>20 the Council happened -- started in 2021 when they decided</p> <p>21 to fly the flag in front of the City Hall. The Art and</p> <p>22 Culture Commission asked for permission, it's written on</p> <p>23 the resolution, I'm not making that up.</p> <p>24 "Whereas: Art and Culture</p> <p>25 Commission asked for permission from</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>
<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 68</p> <p>1 the City Council and the Mayor to fly</p> <p>2 the flag in front of the City Hall.</p> <p>3 We asked --</p> <p>4 So, so. And then the City Council voted on it.</p> <p>5 All I'm asking for -- all I was asking for is</p> <p>6 to do one of these two process. And I helped him to do</p> <p>7 that by appointing new members and removing the inactive</p> <p>8 members, but he still insisted to do it on a individual</p> <p>9 capacity.</p> <p>10 <b>Q Okay. But prior to 2021 when they passed that</b></p> <p>11 <b>resolution, displays of multiple countries had already</b></p> <p>12 <b>been -- flags of multiple countries had already been</b></p> <p>13 <b>displayed on Joseph Compau Avenue.</b></p> <p>14 <b>Is it your testimony -- this was before you</b></p> <p>15 <b>were Mayor; correct?</b></p> <p>16 A Um-hmm.</p> <p>17 <b>Q So are you aware of anything in the City's Bylaws or City</b></p> <p>18 <b>Charter that coheres that they had to get approval by the</b></p> <p>19 <b>City Council for that?</b></p> <p>20 A Well, the fact that you used to do things the wrong way</p> <p>21 doesn't make it the norm.</p> <p>22 <b>Q You're right. I agree. It's wrong, it's wrong.</b></p> <p>23 A Right.</p> <p>24 <b>Q But what are you basing your inference that it's wrong?</b></p> <p>25 <b>Was there a Bylaw or something in the City</b></p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>	<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 69</p> <p>1 <b>Charter that says they are required to go to the City</b></p> <p>2 <b>Council?</b></p> <p>3 A The Bylaw thing, Relations, he knows that he has to have</p> <p>4 a meeting and a quorum in order to make decisions.</p> <p>5 Where does it say that you have to take your</p> <p>6 orders from the City Manager? Because he could say:</p> <p>7 Kathy told me to do it. And then he came to the City</p> <p>8 Council and apologized.</p> <p>9 <b>Q My question to you is do you know of any authority that</b></p> <p>10 <b>says otherwise?</b></p> <p>11 A Well, I know that the boards and commissions have to have</p> <p>12 a meeting in order to be valid; to make decisions; have</p> <p>13 to have a quorum.</p> <p>14 I am a member of two boards and commissions,</p> <p>15 DDA and the Planning Commission, and I don't --</p> <p>16 <b>Q I'm asking you can you tell me the authority for that</b></p> <p>17 <b>requirement?</b></p> <p>18 MR. MEROUCH: Asked and answered. He said the</p> <p>19 Bylaws.</p> <p>20 A Yeah.</p> <p>21 MR. SUSSELMAN: No, I don't think he said the</p> <p>22 Bylaws.</p> <p>23 A Where does it say that the chair can act on a individual</p> <p>24 capacity?</p> <p>25</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>

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1 BY MR. SUSSELMAN:  
 2 **Q I'm asking you can you identify where in the Bylaws or**  
 3 **the City Charter that say --**  
 4 MR. MEROUCH: Objection. He doesn't have the  
 5 Bylaws here to show you exactly --  
 6 MR. SUSSELMAN: Well, he's fairly positive that  
 7 that's the case.  
 8 A I'm positive because I'm --  
 9 MR. SUSSELMAN: I'll submit an interrogatory.  
 10 MR. MEROUCH: That's fine.  
 11 A Let me tell you something.  
 12 BY MR. SUSSELMAN:  
 13 **Q Okay. Tell me something.**  
 14 A I'm a member of many boards and commissions, and I know  
 15 in order to have -- if you don't have a quorum, we cancel  
 16 the meeting.  
 17 **Q The City of Hamtramck boards and commissions or other**  
 18 **commissions?**  
 19 A Here. No. I'm a member of the DDA and the Planning  
 20 Commission. When we start our meeting, do we have a  
 21 quorum? No. All right. We can't take -- we can't vote  
 22 on anything.  
 23 **Q Okay. That's the --**  
 24 A Therefore, just discuss and leave.  
 25 **Q There's a difference between something that's a practice**

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1 **and something that's --**  
 2 A Yeah. I can probably -- yeah, we can pull up how things  
 3 are working because this is that practice --  
 4 MR. MEROUCH: That's not a question for this  
 5 deposition.  
 6 A Yeah. If there's no quorum, there's no decision --  
 7 MR. SUSSELMAN: I'll submit an interrogatory.  
 8 A No voting. Nothing can go out of that meeting.  
 9 BY MR. SUSSELMAN:  
 10 **Q Okay. I got it.**  
 11 **At the Labor Day parade, this past Labor Day**  
 12 **weekend, there was a group, as I understand it, of LBGTQ**  
 13 **supporters that marched in that parade; correct?**  
 14 A There was no parade last weekend.  
 15 **Q Not "last weekend." Labor Day weekend.**  
 16 A Yeah, last year.  
 17 **Q Yeah.**  
 18 A Um-hmm.  
 19 **Q There was a parade?**  
 20 A There was a parade.  
 21 **Q And was there a group of LBGTQ supporters that walked and**  
 22 **marched in that parade?**  
 23 A It was there for the first time; true. True.  
 24 **Q And isn't it true that you got angry at seeing them there**  
 25 **and you actually insisted on moving so you wouldn't have**

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1 **to see them?**  
 2 A Well, I told the administration, because the former Mayor  
 3 is in that organizing committee, so I told them I expect  
 4 this group, for the first time to march, by the way, for  
 5 the first time. It's new, the Queer Alliance.  
 6 So I told them the rule is elected officials of  
 7 the City, elected officials of the county, elected  
 8 officials of the state, this is the order. And then  
 9 comes the group.  
 10 So I told them -- I expect them to do the LBGT  
 11 to make them right behind the Mayor just to create  
 12 problems. I know how the former Mayor thinks.  
 13 As soon as I get to the parade, "Can I see the  
 14 order of the group?"  
 15 "Yes."  
 16 Mayor and Council, Queer Alliance, state rep,  
 17 you know, in between the elected officials. Why do you  
 18 think they do that?  
 19 I mean, I have no problem with that. It's just  
 20 for the politics so they can march right behind the Mayor  
 21 with the flag and take pictures, post on social media,  
 22 here's the Mayor leading the LBGTQ --  
 23 **Q Former Mayor?**  
 24 A No. Me.  
 25 **Q So you marched?**

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1 A Yeah. The Mayor marched with the elected officials, the  
 2 first.  
 3 **Q Yeah.**  
 4 A This is the protocol for many years.  
 5 **Q Yeah.**  
 6 A Mayor, elected officials.  
 7 **Q Who's supposed to be next?**  
 8 A Then elected officials of the county, then the elected  
 9 officials of the state, then comes the groups.  
 10 So just to see how it's done intentionally to  
 11 cause harm to divide the community, to create  
 12 controversy, they put them -- it's a new group for the  
 13 first time, behind the Mayor, before the elected  
 14 officials of the county and state.  
 15 Isn't that intentional to you? Why? Why do  
 16 you do this? And --  
 17 **Q You can't testify that it was --**  
 18 A No. I --  
 19 **Q -- intentional?**  
 20 MR. MEROUCH: You're just saying rhetorical.  
 21 A I told you, as soon as I got there, I --  
 22 BY MR. SUSSELMAN:  
 23 **Q So that's what angered you, that they weren't in the**  
 24 **proper order?**  
 25 A They didn't follow the protocol. You know that every

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1 year elected officials --

2 **Q I don't know anything about it.**

3 A No, no, not you. They know. The former Mayor and the

4 committee, they're all one group. They're all from the

5 former power structure.

6 They made the whole festival and event to

7 promote LGBT agenda. One would walk with the car with

8 the flag. A golf cart with the flag up and down the

9 street. Every other group would have the flag. So it

10 becomes political event, which is not supposed to.

11 You're supposed to bring the community together. This is

12 a fun, entertaining event. So why make it an event to

13 promote for some group.

14 So I said that's not what -- we donate money

15 from here. DDA donate \$8,000. I am a member of the DDA.

16 I want this festival to continue. But if we

17 are doing it for you to use it to promote for some

18 political agenda and ignore the rest of the community,

19 then that's not the case.

20 So what angered me is the -- what angered me is

21 the use of this event to harm me as a political figure of

22 the community. They wanted to take -- for the optics to

23 take pictures. Mayor with the flag flying on his head

24 posted on social media. Get the community angry.

25 Because I told you there's controversy. No

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1 doubt about that in the community.

2 So my anger was, like, why wouldn't you follow

3 the usual protocol that we have every year? Why -- is

4 this a political group? Are they elected officials for

5 them to be placed right behind the Mayor and before the

6 state rep, before the congressman? Why is that?

7 **Q Didn't you, on your own volition, walk in front of them?**

8 **Get up and walk in front of them rather than --**

9 A I walked -- I rode the car instead of walking. We drove

10 the car and we still march with them, but using the car

11 just to avoid that optics --

12 **Q Were you already in the car in front of them?**

13 A No, no. I was going to walk. As soon as I found the

14 order, which I was expecting --

15 **Q You got a document that gave you the order in which they**

16 **were marching?**

17 A Yeah. I asked them, "What's the order of the group?"

18 They said, "Mayor and City Council, Queer

19 Alliance, state rep, county."

20 And I was, like, are they elected officials to

21 be placed behind me? The protocol is new groups should

22 be in the back or the middle. I don't care where. But

23 to put them right in between elected officials, based on

24 what? Are they elected officials?

25 So I got angry and instead of walking I rode in

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1 the car with the City Council. And we didn't create a

2 problem. We let the thing go.

3 And then for this year -- for this year, in

4 order to -- I have the power with the Council to block

5 this festival, you know that.

6 Well, if you don't, now we just voted on --

7 **Q I do. Just informed.**

8 A -- two days ago. Last Tuesday we voted on it.

9 Before we voted on it, I met with the

10 committee, the organizer of the committee. I told them,

11 "Guys, is this a political event or a community event to

12 bring people together? Is it to bring people together or

13 to divide the community?"

14 And, then, okay. I was like, I want this to

15 continue. I want to support this event, but I want to

16 keep politics away. Especially the controversial thing.

17 They're welcome to march. They're welcome to

18 put the flag, no problem to have a tent, but respect the

19 others. Don't make it sound like it's all LGBT.

20 Hamtramck is not all LGBT.

21 You got the majority of the people not to

22 present it in this. So we agreed on everything.

23 I was, like, "Are we all on the same page now?"

24 Because Council members want to block this.

25 They're, like, I have to take my, you know,

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1 initiative and go to the Council Member. Please, we want

2 this to continue. We want people to have fun.

3 So we approved it for now, hoping that they

4 will, you know, try to avoid anything that can create

5 controversy or problems.

6 **Q You testified, as I understand it, that a majority of the**

7 **residents -- you used the word majority of the residents**

8 **of Hamtramck are opposed.**

9 MR. MEROUCH: That's not what he said.

10 A Not opposed. Not represented. They don't feel

11 represented in this event. So, basically, when they see

12 everything, they says: Is this all for LGBT? I was,

13 like, "No, it's for everybody."

14 Okay. Why are they leading the parade? Why

15 are they everywhere?

16 I was, like, "Okay. We'll try to fix that, you

17 know."

18 And I am a political figure. I will run for

19 that election again. So they try to do everything to

20 harm me with the community so I don't get the support. I

21 have to protect myself from that. This is one of them.

22 This is one of them.

23 BY MR. SUSSELMAN:

24 **Q When you say "this," who are you referring to?**

25 A Trying to get me associated with the pride flag in any

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1 way so I can lose the support of the rest of the  
2 community. Because I told you, it's controversial.

3 You either support and gain some votes here, I  
4 mean, or you -- and lose somewhere. So there's no --  
5 there's no, you know, it's a thin line in between when it  
6 comes to politics, you know, gaining or losing votes.  
7 You have to be, yes, represent everyone, but try to  
8 maintain your popular base.

9 And when I see that that's done intentionally  
10 to hurt me, I have to oppose. I have to resist somehow  
11 to maintain, you know, my popular support. Otherwise I  
12 would lose the next election.

13 MR. SUSSELMAN: I have no further questions.

14 MR. MEROUCH: Okay. Just two, I think.

15 ---

16 EXAMINATION

17 BY MR. MEROUCH:

18 **Q First one. You mentioned that you had said that in a --**  
19 **I think it was a Council meeting, or maybe in a debate of**  
20 **some sort, that -- as a public comment you had said,**  
21 **actually, that you had -- there was other priorities that**  
22 **needed to be followed that were more important such as**  
23 **infrastructure.**

24 **So as Mayor, did you end up following through**  
25 **with the other priorities that you mentioned, such as**

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1 **infrastructure? And if so, how?**

2 A I took the office in 2021, and we had almost 3 million  
3 deficit. They were budgeting for 19 million and we had  
4 16 million.

5 So at this time, this is the third consecutive  
6 year we have surplus. That's one thing to note.

7 We use -- we are fixing the streets and alleys,  
8 infrastructure. That's my priority. Unless something --  
9 someone else brought, you know, an issue like this. This  
10 is not the priority for me.

11 THE WITNESS: She's making a lot of noise, and  
12 that's distracting.

13 MR. MEROUCH: So, for the record,  
14 Miss Stackpoole just made a ton of noise. Threw a bunch  
15 of stuff.

16 MR. SUSSELMAN: She didn't throw anything.

17 MR. MEROUCH: Crackled a bunch of stuff --

18 MR. SUSSELMAN: She threw away a water bottle.

19 MR. MEROUCH: -- slammed the door and walked  
20 out.

21 A Because she doesn't want to hear the truth. This is  
22 documented.

23 I took the office and I got a presentation by  
24 the consultant financial company that comes. They told  
25 me, okay, you have enough in the fund balance for a year

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1 or two and then the City will collapse and fall into  
2 emergency management again for the third time.

3 It came the next year and we had surplus. And  
4 I was, like -- they're like: Oh, you're good from now  
5 until 2029.

6 I was, like, well, what happened? You told me  
7 last year that we would fold, and the whole  
8 administration resigned; City Council. I mean, the City  
9 Manager and financial officer, HR, everybody resigned so  
10 they don't want to be part of this collapse and failure.

11 We hired new people and the opposite happened,  
12 and we have surplus. So they were part of the failure  
13 but not part of the success.

14 There's a lot of questions. From 2003 until  
15 2021 the income tax was between 2.5 to 2.7 million for 20  
16 years.

17 They used to accuse us not paying taxes.  
18 Within the first year, income tax went up to five  
19 million. So what's going on and why? How did it happen  
20 in two -- like, in one year it was doubled. This is how  
21 the budget was fixed.

22 It's not just because the state increased one  
23 million of revenue or so. That's not -- there was a  
24 sustainable revenue.

25 For the first time we are fixing 1,700 lead

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1 pipe, each one cost \$8,500 this year. That's a major --

2 For the first time we are fixing a lot of  
3 alleys and streets.

4 We're going to fix the sewer system for a  
5 project that will cost 50 million. So there's a lot of  
6 good stuff happening for the City. A lot of residents  
7 are moving into the City. Some media try to make it  
8 sound like people are running away. That's not true.

9 For everyone that leaves, five people come in.  
10 That's more income, more revenue, and more property tax.  
11 Property values increases. This is my priority. I want  
12 to fix the City.

13 I am contacting some organization to build a  
14 community center. Like, you know, a lot of recreational  
15 centers for the community.

16 I try to bring investments to the City. We  
17 have a big one coming for \$480 million from American  
18 Axle. We had -- I had a few meetings with them already.

19 I want to, you know, help the community to, you  
20 know, prosper. You know, to be prosperous and flourish.  
21 And a lot of people trying to distract us just, you know,  
22 by bringing up these small things that distract us from  
23 doing the right thing.

24 I volunteer my time. I'm not getting paid by  
25 the City, except for symbolic thing, you know. I'm

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<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 82</p> <p>1 losing so much money from my clinic job. I don't do any 2 overtime. I took two days off so I can succeed this. 3 Because success is the only option for me. It's a big 4 responsibility. 5 Unfortunately, the media keep identifying me as 6 the Muslim Mayor, the Muslim Mayor, which is not -- it's 7 unethical. Why do you have to mention a Muslim Mayor? 8 I'm a Mayor that serves everybody else. This 9 is discrimination. Why don't you say the Jewish Mayor, 10 or the Hindu Governor? They don't say that. 11 But in our town they use the negative, you 12 know, view about the City. So I know it's a big 13 responsibility. And I have to succeed no matter what. 14 Even if I quit my job and just volunteer for the City. I 15 have to succeed. And all these discussions will not stop 16 me. That's why I'm ready. 17 Despite all the harassment and the pressure and 18 the, you know, the times I lose, the family, the 19 community, and all the threat I receive. That threat for 20 someone who was criminal and he got arrested after he 21 killed someone. 22 MR. MEROUCH: That's right. 23 A And I reported it to the FBI and they arrested him after 24 that. 25 Despite all of these, I'm not giving up. I'm</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>	<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 83</p> <p>1 running again and I will finish my projects. 2 Are they happy? No. They hate this. They say 3 why do you have to do this for the people and getting 4 nothing in return? Getting threatened; death threat. 5 And all this waste your time for the people who don't 6 appreciate. 7 I was, like, no. This is a big responsibility 8 and I have to succeed. And that's why I'm running again. 9 And I will finish my projects. And I will make the City 10 better. And I will deal with this distractions that 11 happen from here and there. 12 We received collective punishment for this 13 stuff by stopping some funds from the state, 14 unfortunately. There was, like, five million coming for 15 the alleys. They stopped. And one of the state rep told 16 me, "Well, if you guys raise the flag, then we'll give 17 the money. If you don't -- 18 Why collective punishment for whatever we do to 19 the City? You are punishing everyone. 20 So, basically, we are not getting the support 21 that we deserve from the City. But I am doing my best to 22 succeed. And no matter what it takes, I will continue to 23 work. 24 I'm not running for the title or anything. I'm 25 telling you, I lost 30 percent of my income after the</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>
<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 84</p> <p>1 election because of working for the City, which is okay 2 for me because I said I only have one option, to succeed 3 or to succeed. No other options. 4 And we are doing great. I get positive 5 feedback from the community. They are happy for what we 6 do. And I will continue to do better. 7 <b>Q You said that you want the community to flourish. Does</b> 8 <b>that include the LGBTQ members of the community?</b> 9 A Definitely. I mean, I'm working for everyone. Streets 10 and alleys. We all walk the streets. We all drink from 11 the same water. 12 We're replacing the lead pipe for every house. 13 I'm not discriminating against anyone. I, as part of my 14 inclusivity -- policy for inclusivity, I kept all the 15 boards and members that were appointed by the former 16 Mayor -- and he knows that. I didn't fire anybody. I 17 even added more people. And I know they are LGBTQ[sic] 18 members. I have no problems with them. 19 The Art and Culture Commission, Beautification 20 Commission, DDA and most of them are LGBT from -- 21 appointed by the former Mayor. 22 Did I fire them because they are LGBT advocates 23 for LGBT? 24 No. I kept them. I said -- although some of 25 my advisers were, like, don't trust these people. They</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>	<p style="text-align: center;">Amer Ghalib</p> <p style="text-align: right;">Page 85</p> <p>1 will cause a lot of problems for you. Fire them all. 2 I was like, "No. I'm not here to exclude 3 anybody. I'll work with them." 4 And I tried. I used to attend every event, 5 even for the former Mayor after she lost. They honored 6 her, and I attended that. 7 I reappointed her here to the DDA just to 8 bridge the gap to the community. Yes, we can work 9 together. 10 A lot of my advisers, like, you are out of your 11 mind. You appointed your opponent to work with you. 12 And then she kept doing stuff. She asked the 13 state to stop funding the City. And she's part of the 14 City. I screen shot that post and I kept it. 15 She shared the picture for me that has my name 16 and my picture with "terrorist" under it. I've screen 17 shot that and I kept it. 18 So everything that -- every opportunity she 19 takes to make me look bad, to make the City fail, and she 20 is part of the City. So I was, like, okay. It's not 21 going to happen this time. It's not going to work. 22 The Charter gave me the right to fire any 23 member with no -- with no excuse. With no cause. They 24 don't have to do anything, after 90 days. 25 So I ended up firing her from this for what</p> <p style="text-align: center;">ON THE RECORD REPORTING &amp; VIDEO 313-274-2800 - ontherecord@dearborncourtreporter.com</p>

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1 she's -- she's trying to damage the City from within.  
 2 I was, like, no, it's not going to happen. You  
 3 can't -- I brought you back so we can bring the community  
 4 together. I kept everybody here so we can work together.  
 5 But, apparently, doesn't work. Nobody appreciate what  
 6 you do. They use it as a weapon against you.  
 7 I don't want to mention any other stuff. But  
 8 part of the previous practice, though, will tell you how  
 9 some unethical stuff used to be done.  
 10 I fired three members of the Housing Commission  
 11 on March 30. They responded to my e-mail. They  
 12 acknowledged.  
 13 They said, "Okay. We are disappointed, but  
 14 thank you."  
 15 Okay. A week later after they are fired, they  
 16 held a special meeting and they change the Bylaw. They  
 17 came up with a succession plan for -- they did so many  
 18 things.  
 19 That's a criminal activity. You are -- you  
 20 have been fired. Why do you have to hold a special  
 21 meeting to change the Bylaw and stuff?  
 22 How did I find that -- I'm not part of the  
 23 Housing, but when the director left, resigned, he  
 24 submitted a succession plan to me. He said "My  
 25 succession plan, this person will take over."

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1 I was, like, I thought the board members have  
 2 to vote? That's the Bylaw.  
 3 They're, like, "No. We had a meeting."  
 4 I looked, I dig my information. I'm not, you  
 5 know, I have a good enough IQ to track this.  
 6 As I went to medical school, I passed my board  
 7 exams, so I know how -- I'm smart enough to take --  
 8 Went back, looked at the date, looked at when  
 9 they held the meeting. Attend the next meeting.  
 10 I told them, "This is what happened. That's my  
 11 e-mail. That's your acknowledgement to being fired."  
 12 Then you hold a meeting and you passed -- you made laws  
 13 after you were fired. That's a criminal activity.  
 14 And, so, we have to dismiss all of the stuff  
 15 that they did. I haven't talked too public about this.  
 16 But if that is to happen in the past, it's not  
 17 going to happen in my leadership. This is corruption.  
 18 So we canceled everything. And the board  
 19 members have to do their decision. They had to have a  
 20 quorum again and they have to pass laws. And that's what  
 21 happened.  
 22 So if anything is to happen in the past,  
 23 doesn't make it the norm to be the correct thing to be  
 24 done. And that's why I'm spending so much time studying  
 25 things, looking at things, doing my research. Even I

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1 don't get paid for this. But I want to do the right  
 2 thing for the community.  
 3 MR. MEROUCH: I don't have any other questions.  
 4 MR. SUSSELMAN: I just need clarification.  
 5 ---  
 6 RE-EXAMINATION  
 7 BY MR. SUSSELMAN:  
 8 **Q You say you fired some people that were on a board?**  
 9 A Housing Commission, yes.  
 10 **Q "Housing Commission." They were not on the City Council.**  
 11 **You fired members of a board?**  
 12 A Yes. The Housing Commission, just like the Human  
 13 Relation Commission that Russ was part of.  
 14 **Q And, then, you say they met illegally?**  
 15 A They met after they were fired and they received -- they  
 16 acknowledged their -- my decision and responded to it and  
 17 said, "Okay. Thank you. We are disappointed that you  
 18 will fire us, but we acknowledge that and we accept it."  
 19 And then a week later they held a meeting and  
 20 they changed laws and stuff. And they were already,  
 21 like, not part of the board or commission.  
 22 And the Housing Commission is an important one.  
 23 Millions of dollars -- the budget is millions of dollars.  
 24 They're up to -- their salary is the highest in  
 25 the City; around 150,000 with a car that's 80,00 worth.

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1 So they made so many new laws. The car can be  
 2 for the director after he resign for one year. He can  
 3 work as a consultant for one year and get paid full-time.  
 4 The successor will be so and so. So that made  
 5 so many things to prepare for the future because they  
 6 thought when I fired them that I'm going to fire the  
 7 director or something. Or make the board fire the  
 8 director. So they took a step ahead of time and did  
 9 this, which was illegal.  
 10 **Q Okay.**  
 11 A Yeah, that's it.  
 12 MR. SUSSELMAN: That's all I want to know.  
 13 Thank you.  
 14 MR. MEROUCH: That's it.  
 15 THE WITNESS: All right. Thank you so much.  
 16 (Concluded at 12:23 p.m.)  
 17 ---

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1 STATE OF MICHIGAN )  
 2 ) SS.  
 3 COUNTY OF WAYNE )  
 4 CERTIFICATE OF NOTARY PUBLIC  
 5 I, Sharon Julian, a duly commissioned and  
 6 qualified Notary Public for the County of Wayne, State of  
 7 Michigan, do hereby certify that the witness, whose  
 8 attached testimony was taken by me in the entitled cause  
 9 on Friday, June 14, 2024, was by me first duly sworn to  
 10 testify the whole truth in the aforesaid cause, that the  
 11 testimony contained herein was taken down by me in  
 12 machine shorthand, transcribed upon a computer under my  
 13 personal supervision, and is a true and correct  
 14 transcript of the whole of the testimony given by said  
 15 witness.

16 I do further certify that I am not connected by  
 17 blood or marriage with any of the parties or their  
 18 attorneys; that I am not an employee of any of them nor  
 19 interested directly or indirectly in the matter in  
 20 controversy, as counsel, attorney, or otherwise.

21 IN WITNESS WHEREOF, I have hereunto set my hand  
 22 at Dearborn, County of Wayne, State of Michigan, this  
 23 28th day of June, 2024.

24 Sharon Julian, CSR-3915  
 25 Certified Shorthand Reporter  
 Registered Professional Reporter  
 Notary Public, Wayne County, Michigan  
 My Commission expires: January 21, 2027  
 - - -

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## **EXHIBIT 23**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

Russ Gordon and Cathy Stackpoole,

Plaintiffs,

vs.

Civil Action No.: 23-12812

The City of Hamtramck, the Hamtramck  
City Council, and Mayor Amer Ghalib,  
in his official capacity, only,

Hon. David Lawson

Defendants.

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Marc M. Susselman (P29481)  
Attorney at Law  
Attorney for Plaintiffs  
43834 Brandywyne Rd.  
Canton, Michigan 48187  
(734) 416-5186  
[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)

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Odey Meroueh (P76460)  
Meroueh & Hallman LLP  
Attorney for Defendants  
14339 Ford Road  
Dearborn, Michigan 48126  
(313) 582-7469  
[okm@mhatlaw.com](mailto:okm@mhatlaw.com)

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**BILL OF COSTS FOR MOTION FOR SANCTIONS PURSUANT TO  
FED. R. CIV. P. 37(b)(2)**

I declare, under penalty of perjury, that the information below is true and accurate.

Date	Time	Activity
7/23/24	.5	Preparation of amended deposition notices
8/26/24	2.5	LR re cases re FRCP 37(b)(2)
8/27/24	2.4	Began drafting motion for sanctions

8/28/24	3.0	Continued and finished motion for sanctions
8/29/24	3.0	Began brief in support of motion
8/30/24	3.5	Completed brief in support of motion

Total hours: 14.9

14.9 hrs. x \$400.00 per hr. = \$5,960.00

Marc M. Susselman  
Attorney at Law  
Attorney for the Plaintiffs  
43834 Brandywyne Rd.  
Canton, Michigan 48187  
(734) 416-5186  
[marcsusselman@gmail.com](mailto:marcsusselman@gmail.com)

Dated: August 30, 2024

## **EXHIBIT 24**

## BIOGRAPHICAL STATEMENT

Marc Susselman grew up in Jersey City, New Jersey. He graduated *cum laude* from Rutgers University, New Brunswick, New Jersey, in 1969, with a major in Philosophy. He was admitted into the Ph.D. program in the Department of Philosophy of the University of Michigan, Ann Arbor, Michigan, as a Danforth Teaching Fellow. He taught classes in elementary symbolic logic to undergraduate students during his first year of graduate school.

In 1970, following the conducting of the draft lottery, Mr. Susselman enlisted in the United States Army Reserve. He completed his basic training at Ft. Campbell, Kentucky, and his Military Occupational Specialty training as an artilleryman at Fort Sill, Oklahoma. After completing his active military service in February, 1971, he worked as a substitute teacher in elementary schools in Jersey City, New Jersey, until returning to the University of Michigan to complete his Ph.D. in Philosophy in August, 1971. He resumed working as a teaching fellow in symbolic logic at that time.

In August, 1972, Mr. Susselman withdrew from the Philosophy Ph.D. program for personal reasons and worked as a manual laborer at various jobs in the Ann Arbor/Detroit metropolitan area. In August, 1975, he enrolled in Law School at Wayne State University, where he participated in the Wayne Law School Law Review and Moot Court, obtaining his Juris Doctor in June, 1978.

After graduating from Law School, Mr. Susselman was employed as an associate attorney with the law firm Hiller, Howard, Larky and Hoekenga, located in Southfield, Michigan. While working at Hiller/Howard, his principal responsibility was representing public employment labor unions, during which time he represented teachers who belonged to the Michigan Education Association and police officers who belonged to the Police Officers Association of Michigan, in various labor disputes and unfair labor practice claims before the Michigan Employment Relations Commission, the Michigan Teachers Tenure Commission, and the Workers Disability Compensation Bureau.

During the years 1982-1984, Mr. Susselman represented an organization named American Citizens for Justice ("ACJ"), which was formed by Asian Americans in the Detroit area whose goal was to obtain justice for Vincent Chin, a Chinese American who was beaten to death with a baseball bat by two laid off autoworkers who mistook him for being Japanese. After pleading *nolo contendere* to manslaughter, the assailants were sentenced to probation in Wayne County Circuit



Court. Mr. Susselman filed a lengthy petition for superintending control in the Michigan Supreme Court, requesting that the Court overturn the sentence and authorize the presiding judge, Judge Charles Kaufman, to resentence the assailants based on their commission of a fraud on the court and the failure of the Wayne County Prosecutor to appear at the sentencing. The Michigan Supreme Court rejected the petition on the grounds that ACJ, as a private organization, did not have standing in a criminal proceeding. Thereafter, Mr. Susselman worked with his co-counsel, Liza Chan, in an effort to have the assailants prosecuted by the United States Dept. of Justice for violating Mr. Chin's civil rights. For the first time in American history, the Dept of Justice indicted the assailants for violating the civil rights of an Asian American. After being convicted in a jury trial before Judge Anna Diggs Taylor, the conviction was overturned by the Sixth Circuit Court of Appeals and a new trial was ordered to take place in Cincinnati, Ohio. The retrial resulted in acquittal.

In September, 1986, Mr. Susselman left the law firm to enroll in the School of Public Health at the University of Michigan, where he obtained his Masters Degree in Environmental and Industrial Health in 1989. He thereafter became a partner in the law firm of Bruetsch, Campbell and Susselman, where he represented plaintiffs in toxic tort and asbestos litigation. In 1992, Mr. Susselman left the Bruetsch, Campbell and Susselman law firm, to resume work representing the Michigan Education Association and its members and plaintiffs in Title VII civil rights lawsuits at the firm of Hoekenga and Farrell.

Mr. Susselman taught OSHA law and Americans With Disabilities Act law as an Adjunct Professor in the graduate school of the School of Public Health, University of Michigan, 1995-1996.

In 1996, after the dissolution of Hoekenga and Farrell, Mr. Susselman began working with attorney Dennis Dettmer as an independent contractor, representing clients in medical malpractice, legal malpractice, wrongful termination, police excessive force and malicious prosecution cases. When Mr. Dettmer retired and closed his law practice in 2008, Mr. Susselman began working as an independent contractor at the law firm of Dobbs and Neidle, where he represented various insurance companies in insurance defense litigation. Mr. Susselman left the Neidle law firm in 2015, and is currently working as a solo practitioner.

Mr. Susselman is admitted to practice in the United States District Court for the Eastern District of Michigan, the Sixth Circuit Court of Appeals and the United

States Supreme Court. He has conducted numerous civil trials, administrative hearings, and appeals in the Michigan Court of Appeals and the Sixth Circuit Court of Appeals.

Publications:

Case Note, Labor Law – Scope of Collective Bargaining in The Public Sector – Teaching Effectiveness Program, 25 Wayne Law Review 147 (1978)

Oleinick, Fodor and Susselman, Risk Management For Hazardous Chemicals, 9 Journal of Legal Medicine 1 (1988)

Oleinick, Fodor and Susselman, Risk Management For Hazardous Chemicals – OSHA’s Hazard Communication Standard and EPA’s Emergency Planning and Community Right-To-Know Regulations, 9 Journal of Legal Medicine 179 (1988)

Published appellate decisions naming Mr. Susselman as principal attorney:

*Renshaw v. Samuels*, 117 Mich. App. 649 (Mich. Ct. App. 1982)

*Sims v. Buena Vista School Dist.*, 138 Mich. App. 426 (Mich. Ct. App. 1984)

*Moore v. Southfield Police Dept.*, 160 Mich. App. 289 (Mich. Ct. App. 1987)

*Evans and Luptak v. Lizza*, 251 Mich. App. 187 (Mich. Ct. App. 2002)

*Moldowan v. City of Warren*, 570 F.3d 698 (6<sup>th</sup> Cir. 2009)

*Gerber v. Herskovitz*, 14 F.4th 500 (6<sup>th</sup> Cir. 2021)